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ENVIRONMENTAL ASSESSMENT BOARD

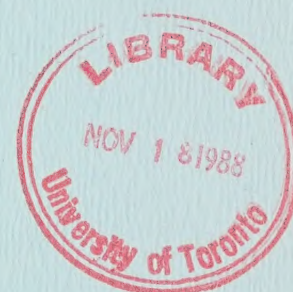
VOLUME: 55

DATE: Monday, November 7th, 1988

BEFORE: M.I. JEFFERY, Q.C., Chairman

E. MARTEL, Member

A. KOVEN, Member

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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of an Order-in-Council
(O.C. 2449/87) authorizing the
Environmental Assessment Board to
administer a funding program, in
connection with the environmental
assessment hearing with respect to the
Timber Management Class
Environmental Assessment, and to
distribute funds to qualified
participants.

Hearing held at the Ramada Prince Arthur
Hotel, 17 North Cumberland St., Thunder
Bay, Ontario, on Monday, November 7th,
1988, commencing at 1:00 p.m.

VOLUME 55

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member

A P P E A R A N C E S

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(iii)

APPEARANCES: (Cont'd)

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(iv)

I N D E X O F P R O C E E D I N G S

Witness:

<u>CAMERON CLARK,</u>	
<u>FRANK KENNEDY,</u>	
<u>JOHN McNICOL,</u>	
<u>JOSEPH BEECHEY,</u>	
<u>NEVILLE WARD,</u>	
<u>GORDON PYZER, Sworn</u>	9317
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I N D E X O F E X H I B I T S

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1 ---Upon commencing at 1:00 p.m.

2 THE CHAIRMAN: Thank you. Good
3 afternoon.

4 Mr. Freidin, are you ready to go?

5 MR. FREIDIN: Yes.

6 CAMERON CLARK,
7 FRANK KENNEDY,
8 JOHN McNICOL,
9 JOSEPH BEECHEY,
NEVILLE WARD,
GORDON PYZER, Resumed

10 CONTINUED DIRECT EXAMINATION BY MR. FREIDIN:

11 Q. Mr. Kennedy, when we ended on Friday
12 you were just about to enter into a short description
13 of how in fact the forest ecosystem classification is
14 used in the field, so perhaps you could sort of pick up
15 there.

16 MR. KENNEDY: A. Yes. One of the things
17 that I was going to do on Friday, just before we
18 stopped, was to make a suggestion to the Board that it
19 may be useful for the Board to see a demonstration of
20 the application of the forest ecosystem classification
21 on one of the future site visits, something similar to
22 what was done with the forest resource inventory
23 demonstration.

24 It truly is more meaningful if there is
25 an opportunity to see it applied in the field. It may

1 be something the Board may wish to consider for any
2 future visits.

3 I would like to give a glimpse of the use
4 of the forest ecosystem classification and its primary
5 purpose of gaining soils and site information.

6 First of all, that's done by using
7 vegetation indicator species. Simply put, what is
8 growing there on the site now in terms of vegetation
9 gives an indication of soils and soil characteristics
10 that can be expected to be found underneath that
11 particular soil. These are for both plants and trees
12 and, of course, in the undisturbed state.

13 In the front of the guide there are
14 vegetation keys. There are a number of keys, both in
15 French and English, and in scientific and common names
16 of the different species that are there.

17 Q. And those I think are the keys that
18 are pages -- start on page 4 -- pardon me, page 3?

19 A. That's correct. The way in which the
20 guide is applied, it is wise for a person to consider
21 themselves standing in the forest and if they were
22 standing in a 10-metre by 10-metre plot looking at the
23 vegetation that's present.

24 You would go through the key looking at
25 the various species that are growing there, and you

1 would end up identifying an operational group which is
2 seen at the bottom of the page, designated by the
3 letters OG and a number. This would allow the user to
4 arrive at a designation for the type of site that they
5 are actually within.

6 The user would then go to operational
7 group fax sheets which provide more detailed
8 information about the individual site types that they
9 are in. And examples of those start on page 20 in the
10 guide.

11 But what I would like to do is to use the
12 overhead now and just show how some of the operational
13 groups relate to each other and also have a quick
14 glance at one of the detailed description sheets.

15 This is a reproduction of what's in the
16 guide now and I will just hold it up for ease of some
17 of those who are in the room that perhaps don't have
18 the guide with them.

19 What we see here is a cross-section, a
20 schematic landscape cross-section for sandy coarse
21 loamy soils, and I refer to this as a profile of both
22 topography in the ground - you can see here - and also
23 the species that are growing.

24 Q. That's on page No. 17 I think of the
25 guide?

1 A. Yes, I believe it is. And then
2 various soil profiles underneath. I find this is a
3 very good way of looking at an overview of the guide to
4 get an idea of the information that it contains.

5 For instance, on the right-hand side of
6 the screen, that would be the lower end of the
7 topography, and if you were to look at the different
8 tree profiles that are here, this is a large tree that
9 is growing here and these are black spruce, those with
10 the cylindrical crown. And looking over here as you
11 come uphill, if you will, coming into more dryer sites
12 and there is a presence of jack pine indicated by these
13 larger crown trees.

14 A discussion of the profile of the trees
15 that forms an indication here is found in the guide
16 itself. Underneath the various parts of the profile
17 are the typical kind of soils profile that can be
18 found, in this case, organic soils and moving over here
19 again to more dryer sites.

20 So if one was to look here, perhaps the
21 most important piece of information on this is to have
22 an understanding of the relationships between the tree
23 species that are growing, topography of the land and
24 some of the moisture relationships and the soils that
25 are underlying.

1 Now, if a user had ended up coming
2 through the key and finding out that they were on OG2,
3 for instance, there would be an opportunity then to see
4 its relationship with the other operational groups that
5 are present and then the user could go to more detailed
6 information in the guide; and I will show one example
7 of that.

8 Q. The diagram that you have up there
9 now is reproduction of page 21, I think.

10 A. Yes. This diagram then is a detailed
11 description of what's found in operational group 2.
12 There is one of these description sheets for each one
13 of the groups.

14 This particular group is known as a
15 vaccinium and, again, there is a profile of the stand
16 that is shown, showing the combination of tree species
17 that can be found there, black spruce and jack pine. A
18 description of the soil profile gives some indication
19 of the relative depths and then a description of the
20 various types of features that could be found there,
21 both vegetation, types, different tree species that are
22 likely, the shrubs, herbs, mosses, lichens, et cetera,
23 as well as the type of soils that are likely to be
24 found underneath there.

25 Q. Are those the comments then you wish

1 to make about the forest ecosystem classification, Mr.
2 Kennedy?

3 A. I would just like to add that that's
4 a very brief introduction to the kind of information
5 that's contained in the guide and how it would be used
6 in the field, and I would add that the classification
7 system as such is something that is applied at the time
8 you are looking at an area in the field and, as such,
9 is not an inventory.

10 I think that's one of the important
11 things to remember when looking at the example that we
12 have included for the clay belt, is that it is a
13 classification system and not an inventory.

14 But what it does do is provide the user
15 with an indication of the types of soils and the
16 attributes that be can be found in those areas once
17 they have used the keys appropriately.

18 Q. Perhaps then you can move on to soil
19 surveys, Mr. Kennedy, and explain how a forester
20 determines soil information of particular sites through
21 the use of a soil survey?

22 A. I would like to explain the soil
23 surveys by use of a series of examples, maps, similar
24 to what I used the other day. These particular maps
25 are from the northeastern region and will provide a

1 brief introduction to soils-related data. They are
2 referring to a group of four maps that are contained in
3 the statement of evidence and, on page 134, for those
4 following along, will be the reference number 14, 13,
5 12 and 15, in that order.

6 Okay. So we are looking at an extensive
7 soil map for Glen Afton forest management potential
8 map, a forest site productivity map and an insensitive
9 soil map for McWilliams Township and throughout the
10 series of maps, you will be able to follow McWilliams
11 Township to give some reference.

12 MS. SWENARCHUK: Mr. Chairman, I wonder
13 if it is possible to move the map sideways, further
14 that way.

15 THE CHAIRMAN: Mr. Kennedy, could we mark
16 this as the next exhibit, Exhibit 331. Is that
17 reproduced anywhere in the material, that particular
18 map?

19 MR. KENNEDY: An individual copy was made
20 available in the reading room. There was not copies
21 sent to each person, each party.

22 ---EXHIBIT NO. 331: Forest site productivity map
23 (Reference No. 14) page 134 of
Panel VII witness statement.

24 MR. FREIDIN: Q. I think it is reference
25 14?

1 MR. KENNEDY: A. Yes, this particular
2 map is reference 14.

3 Okay. This is a FLAPS or forest land
4 productivity survey map. It is an extensive -- an
5 extensive survey has produced this soil map. The map
6 has been prepared through a photointerpretation and a
7 series of ground sampling. The title on this
8 particular map is Glen Afton, and similar to last week
9 I am just going to make some notes on the map for those
10 that wish to refer to it later along with the
11 transcript. This map is at a scale of 1:50,000.

12 Mr. Chairman, part of the reason for
13 going through some of the detail last week on
14 topographical maps and the other maps presented was
15 that those provide an underpinning for many of these
16 soil maps and other maps that are used in forest
17 management.

18 This particular map is similar to a forest
19 resource inventory map in a sense in that on the forest
20 resource inventory map there are forest stands
21 detailed. On this type of a soil map there are terrain
22 units that are shown and that's what these polygons or
23 outlines are shown on the map, these are called terrain
24 units, in a similar way - and I will just outline one -
25 in a similar fashion that is used in the FRI.

1 I am just outlining the stand No. 21 or
2 polygon No. 21 on this map. So that is the rough
3 extent of the terrain unit No. 21.

4 Also, comparable to FRI maps, the FRI
5 maps showed a description of the forest stand. On a
6 soils map of this nature, this map shows a description
7 of the soil attributes that are found in the particular
8 area, and there is a coding system that I will talk
9 about in a few minutes, but it is similar to that given
10 on a FRI map for a forest stand.

11 On this particular map there is in fact a
12 description of what the map is used for and how it has
13 been produced on the upper left-hand corner of the map.
14 I would encourage those that are looking at the map a
15 little closer later on can refer right on the map for
16 some of the information about its use.

17 These maps been prepared between 1977 and
18 '81 and are based on aerial photointerpretation to
19 arrive at the terrain units, the landscape features
20 that are shown there and then subsequent sampling in
21 order to come up with the various soil attributes that
22 are shown.

23 The information is used for -- is useful
24 for broad level planning and the soils information is
25 important for foresters when they are looking at forest

1 growth characteristics. The soil attributes that have
2 been derived through the use of soil pits, and there
3 would be at least three in each one of these terrain
4 units.

5 If we look at a description of the code
6 that is shown here, and I will just circle again the
7 one for 21 and write the word code on here to indicate
8 what we are reading it into the record. So I don't
9 intend to go through the individual description here of
10 the various features, but I will tell you what the
11 general code is. The code is for the deposition of the
12 material, or the origin of the soil, the texture, the
13 depth of the soil, the moisture, the topography, the
14 stoniness, the presence or absence of lime in the area.

15 So in a similar way in which the FRI
16 gives detailed features about the forest stand
17 conditions, the code on the soils map gives detailed
18 indication of the type of paramaters that apply to the
19 soils in that particular area.

20 Now, if one was looking at the
21 understanding of the details that are provided on this
22 particular code, at the bottom right-hand corner of the
23 map there is an indication right on the map of the soil
24 paramaters and I will just circle those so that others
25 can refer to it and draw an arrow.

1 There is a detailed description of what
2 the code refers to, so it is relatively easy to follow
3 along with that information, relating it back to the
4 individual terrain units. And I won't go into the
5 details on that, I will allow each individual to have a
6 look at that later.

7 This information then is valuable for
8 regional overviews in terms of what kind of soils are
9 present within the area and there are maps and ledgers
10 that go along with it similar to that -- sorry, there
11 are ledgers that go along with the maps similar to
12 those that are talked about in the FRI in terms of
13 summarizing the information.

14 THE CHAIRMAN: Mark that Exhibit 332,
15 please. The title of that map?

16 MR. FREIDIN: Exhibit 332 is the document
17 referred to as reference No. 13 on page 134, Forest
18 Management Potential, North Bay.

19 ---EXHIBIT NO. 332: Forest Management Potential map,
20 North Bay (Reference No. 13) page
21 134 of Panel VII witness
 statement.

22 MR. KENNEDY: Before leaving Exhibit 331,
23 I should point out that the area in which I drew the
24 line, terrain 21, is within McWilliams Township and I
25 will be following that throughout the example.

1 Here on Exhibit 332, the forest
2 management potential map or full map -- I will just
3 outline that. This particular map is at a scale of
4 1:250,000 and it is for the North Bay area of that
5 region. This map is prepared in 1983 and what it shows
6 is relative ratings of areas for forest management
7 purposes based on an evaluation of site productivity
8 and management suitability.

9 The maps have been derived from the
10 information contained on the soil maps that are shown,
11 such as that shown in Exhibit 331. So it is an
12 interpretation of that information. This information
13 is suitable for regional, district and management unit
14 level comparisons if you are directing forest
15 management investments and looking at site suitability.

16 Now, you follow -- McWilliams Township is
17 here in the upper left-hand corner - and I will just
18 outline the township - and look at the code that's on
19 this township. It shows as C- and then a number of
20 numbers under McWilliams. The numbers refer to the
21 terrain units that are shown on Exhibit 331 and the C
22 refers to the areas in terms of their productivity, in
23 terms of elite, intensive, basic, extensive and
24 unclassified land. In this case, McWilliams is a C or
25 basic area, and I will just draw a line to show the C.

1 indication of a table form - and I will just draw a
2 note to the table - and there are company ledgers that
3 go along with that.

4 In this case, the local site conditions
5 and historical factors would also have to be considered
6 by the foresters using this map to look at the types of
7 species and how well they would do in those areas.

8 McWilliams Township is also shown on this
9 map and I will just you an indication of where
10 McWilliams Township is for those who want to follow
11 through the example. And there is a code here that
12 indicates the type of species that could be grown and
13 the expected growth pattern that could be anticipated
14 if you were growing those species.

15 The code further goes into a breakdown of
16 the percentage of the areas within the unit and they
17 are suitable to grow the different species, and I won't
18 go into anymore detail on that.

19 This next one is referring to reference
20 No. 15.

21 THE CHAIRMAN: Exhibit 334.

22 ---EXHIBIT NO. 334: Detailed soil map for McWilliams
23 Township (Reference No. 15) page
24 134 of Panel VII witness
 statement.

25 MR. KENNEDY: This is an example of a

1 detailed soil map. This map then is for McWilliams
2 Township and it is for use at the stand level and it is
3 at a scale of 1:20,000.

4 The origin of this material or this
5 information is from soil pits, detailed soil pits that
6 are done within the various terrain units and it is
7 similar to the -- the code that's found on here is the
8 same as that that's found on the first exhibit, 331.

9 So that the attributes can be found in
10 the bottom left of this map and a person can follow
11 along with a code in the various -- in the example. So
12 this is a progression of the level of detailed
13 information that is available on soils for that part of
14 the province.

15 The information would be useful for
16 operational level planning done at the management unit.
17 There are ledgers that provide a listing of the
18 information available for each one of these terrain
19 units and for the township as a whole, similar to those
20 ledgers that are available in the forest resource
21 inventory.

22 THE CHAIRMAN: Exhibit 335.

23 ---EXHIBIT NO. 335: Prime land inventory map
24 (Reference No. 11) page 134 of
Panel VII witness statement.

25 MR. KENNEDY: This is the reference No.

11 in page 134 and it is in the statement of evidence and this is a prime land inventory map from the northern region. This does not have McWilliams Township on it, but is in an area within the northern region and is designated as map 42A southwest.

This map is at a scale of 1:100,000 and it is a computer-plotted map in that it has been derived or produced by a geographic information system and what it contains is soil types identified and rated for the relative inherent productivity that is broken into three separate classes and the classes are noted in the legend. A simple rating of class 1, 2 and 3.

This information is similar to that of the FLAPS and the FOE maps which I just covered, that's Exhibit 331 and 332, but for a different part of the province.

For this information -- and these -- sorry, in the prime land inventory there is a computer file that contains the soil attributes for each of the terrain units and this is the hard product of the next step which is the combination of the relative characteristics for each one of the soil areas and the ease of management. There is also detailed ledgers available for this information.

And that concludes the reference to the

1 maps.

2 MR. FREIDIN: Q. Can Mr. Beechy and Mr.
3 Clark join you now or...

4 Mr. Kennedy, could you indicate to the
5 Board how long these forest ecosystem classifications
6 and soils surveys are the type described and available
7 for use by field foresters?

8 MR. KENNEDY: A. The soils information
9 has been around in various forms for portions of the
10 area of the undertaking for a long time, but the ones
11 in which we have been referring to today started to be
12 gathered in 1977 and through '81, and the forest
13 ecosystem classification, the one we have included with
14 the statement of evidence for the clay belt, was
15 produced in 1983.

16 Q. Could you indicate how the
17 information which is provided by these sources is
18 different from that which was available prior to their
19 creation?

20 Perhaps, in addition, you can indicate
21 whether the change in information, if there was one,
22 has had any effect on the practices in the field?

23 A. They indicate that the information
24 that we are now getting, we are getting both more
25 information and also better information related to

1 soils.

2 Previous to having formalized soil
3 inventories and classification systems, the information
4 that was available was sporadic across the province
5 from a variety of other sources and the information was
6 largely kept in peoples' heads in terms of the
7 experience that they had gained and there was little
8 documentation of those experiences with different soil
9 types and the management prescriptions that were
10 applied to them.

11 Having the classification system and, as
12 well as having inventory information, allows for
13 foresters a better opportunity to identify similar
14 sites between management units and allows them to then
15 compare results of various prescriptions.

16 Q. Could you indicate how that
17 information about soils, whether it be from the forest
18 ecosystem classification or from soil surveys, how that
19 information is used?

20 A. I would say that it is used in two
21 main areas; one is in broad level planning in terms of
22 directing investments, and also used in operational
23 planning, operational planning being the decisions to
24 harvest, decisions on renewal treatments, decisions on
25 access, all can benefit from using soils information.

1 And then at the broader level it is also
2 beneficial to have some soils information or site
3 condition information when looking at directing
4 investments and...

5 Q. Could you give an example of how
6 information in relation to soils could affect the
7 things you have mentioned, such as harvesting,
8 silvicultural prescriptions?

9 A. Soils information, particularly the
10 moisture component and the soil texture information,
11 could be used when looking at such things as harvesting
12 and season of harvest, would be one use of the
13 information.

14 Q. Can you expand on that just a little
15 bit?

16 A. If I was looking -- if I was new to
17 an area and looking at the maps and looking at
18 allocating stands or selecting stands for harvest, I
19 would be consulting soils information to see the types
20 of soils present.

21 If I found organic soils in high water
22 tables, I would be considering harvesting in areas such
23 as that in the winter time, would be one example.

24 Q. Okay. And in terms of silvicultural
25 prescriptions?

1 A. Silvicultural prescriptions, I will
2 be looking at the -- an example would be looking at the
3 amount of stones -- stoniness or boulders present in
4 the site.

5 If I was contemplating different site
6 preparation techniques, such as the blading operation,
7 I would be hesitant to use blading-type site
8 preparation equipment on an area that had a high level
9 of stones.

10 Q. I understand that there will be more
11 detail about site preparation and harvesting in later
12 panels?

13 A. Yes, in Panel 11.

14 Q. Are these forest ecosystem
15 classifications and soil surveys done on all the land
16 areas within the area of the undertaking?

17 A. No, they are not.

18 Q. Can you advise whether they are areas
19 where both types of information is available?

20 A. Yes, there are several areas where
21 both information is available.

22 Q. And where would they be?

23 A. The one that comes to mind is the
24 area of the clay belt in the northern region where
25 there is both the clay belt forest ecosystem

1 classification, as well as some detailed soil
2 inventories.

3 Q. I understand that the forest
4 ecosystem classification for the northcentral region
5 and northwest region have not been finalized?

6 A. That's right. There currently is a
7 draft guide for the northcentral region and it is being
8 revised and expanded to include the area of the
9 northwestern region and, as such, the draft will have a
10 number of additional vegetation and soil types to cover
11 the conditions that are found in that part of the
12 province.

13 I understand that it is due for release
14 in early '89.

15 Q. Has it been used in any part of the
16 northcentral or the northwest region notwithstanding it
17 hasn't been completed with the northwest information?

18 A. Yes. Part of the reason for putting
19 it out in the draft is to have field foresters use it
20 in its draft form and to make recommendations for
21 improving its use by the field foresters which is the
22 individuals who it is designed for in the first place.

23 So, yes, it is being applied now in its
24 draft form to gain some experience to lead to
25 improvements in the guide prior to its finalization.

1 Q. Without forest ecosystem
2 classifications or soil surveys, is there any
3 information or data that is available to foresters
4 regarding the soils base which can be referred to in
5 making timber management decisions?

6 A. Well, yes, there is. There is the
7 information that I mentioned that existed prior to the
8 formalization of those inventories, that experience
9 that is gained locally that can be -- or in some places
10 are recorded in a variety of fashions, but also there
11 is individual soil survey and site information that has
12 been gathered for various parts of the province and is
13 referred to in the catalogue of land resource surveys
14 in Ontario - of major value to forest management - and
15 that is referenced in the -- sorry, it has been filed
16 separately and it is in reference No. 9 shown on page
17 134 of the statement of evidence.

18 MR. FREIDIN: I believe everyone has a
19 copy of that document, Mr. Chairman, but perhaps we
20 could mark a copy of that document as an exhibit.

21 THE CHAIRMAN: Exhibit 336.

22 ---EXHIBIT NO. 336: Catalogue of land resource
23 inventories (Reference No. 9) page
24 134 of Panel VII witness
statement.

25 MR. FREIDIN: Q. Is there anything else

1 you would like to say, Mr. Kennedy, because if you
2 don't, those are all the questions I have for you.

3 MR. KENNEDY: A. I think I would just
4 add that - similar to some of the remarks I have made
5 in my introduction - that there is a wide variety of
6 information that is available to the unit foresters.
7 Some of it is used directly in timber management
8 planning, and other information is used on a daily
9 basis just to direct management activities.

10 MR. FREIDIN: Thank you.

11 We are now going to deal with the last
12 part of the panel which is the subject matter of Volume
13 3 which has been marked as Exhibit No. 266C.

14 Mr. Pyzer is going to be addressing that
15 particular portion of the witness statement.

16 Q. Mr. Pyzer, there is a lot of material
17 attached as part of your paper and as we go through it
18 we find that there is reference to a considerable
19 amount of additional material or information.

20 Could you please advise what the purpose
21 was for producing this evidence and also the reason for
22 presenting it in the format that you have in fact
23 presented it?

24 MR. PYZER: A. Well, the first thing I
25 would like to do is make it clear for the Board that

1 MNR doesn't collect all of this data that is in this
2 package specifically for timber management planning
3 purposes.

4 Often the data that is in here is
5 collected for other program plans. For example, when
6 we are doing a fisheries management plan or a wildlife
7 plans, oftentimes it is collected in order to monitor
8 programs, specific individual ministry activities. In
9 other cases, we collect a lot of the information and
10 data in this evidence package for analytical and pure
11 statistical purposes. In other words, to measure the
12 effectiveness of a program, to check a specific program
13 and to monitor possibly harvest activities, et cetera.

14 So I want to make it very clear that the
15 evidence that is in here is not collected solely for
16 timber mangement planning purposes.

17 In fact, what I have done - in many cases
18 there may be one or two, even three, four file cabinets
19 of information and data - and often what I have done is
20 simply taken one piece of that entire file cabinet and
21 shown it in this document. So were you to go to a
22 district and want to see every piece of data in here,
23 you would be looking at considerable rooms' full of
24 data and information.

25 Now, the purpose of doing it this way and

1 for putting it together is to demonstrate that there is
2 a level of consistency among districts. Districts do
3 collect similar information both in form, the format
4 for collecting that information, how it is stored in
5 the district, and also the actual information itself.

6 As I mentioned, we collect it for a
7 number of programs. We may collect it as a result of
8 moose surveys, creel census, lake surveys, all of the
9 kind of information that both Mr. Ward and Mr. McNicol
10 presented. Now, they have talked about it and
11 presented it from a pure biological perspective, how
12 many moose are there, how many fish are there in the
13 lake, what are safe capacities of harvest and whatnot.
14 But what I am saying is that we also use this same
15 information and we can transfer it from a
16 socio-economic understanding.

17 Let me give you one example. We talked
18 about trappers and trapping. We know the number of
19 trappers out there, we know the number of animals on a
20 quota, but by the same token, by collecting OTA prices,
21 the price of furs at the Ontario Trappers' Association
22 and whatnot, you can actually transfer that
23 information, that raw piece of data and very quickly
24 all of a sudden you can start to see what that line is
25 worth to an individual trapper. Is it worth 10,000,

1 20-, \$30,000, et cetera.

2 Now, we can also go to certain pieces of
3 that data, and although they are collected for a
4 wildlife program - again, trapping is a good example -
5 find exactly how many people are on that line.
6 Is it an individual trap, or is it a trapper with five
7 helpers.

8 THE REPORTER: Could I ask you to slow
9 down, please.

10 MR. PYZER: I'm sorry. So we can transfer
11 those kinds of data pieces. But I want to emphasize
12 again, it is not collected solely for timber management
13 planning. To collect it for timber management planning
14 would be an absolutely -- well, in my view, almost an
15 impossible task. It is the culmination, in many cases,
16 of 60, 70 years' worth of data.

17 MR. FREIDIN: Q. Now, although that
18 information is initially collected for other programs,
19 that is non-forestry programs, is it important for the
20 timber management planning process nonetheless?

21 MR. PYZER: A. Absolutely, there is no
22 question about it. The Ministry, and we have talked
23 many times in terms of the evidence that has been
24 presented of integrated resource management, of
25 developing partners and partnership management with all

1 of our client groups and stakeholders. And so it is
2 extremely important for both those purposes, both for
3 the actual purpose for which it was collected, as well
4 as timber management planning.

5 We talked the other day about Dr. Greer
6 and the bald eagle research that is being carried out
7 in Kenora District, and by collecting these pieces of
8 information, interestingly it makes it that much more
9 difficult to collect the next piece because after 20
10 years of collecting bald eagle research on Lake of the
11 Woods, as an example, it makes it that much more
12 difficult to find the 551st or the 552nd bald eagle
13 nest or osprey nest. So it is extremely valuable in
14 terms of that continuum.

15 From that, obviously it is very important
16 then, it assists us in preparing a values map and
17 obviously because it has assisted us in preparing the
18 values map, it is extremely important in identifying
19 areas of concern. It tells us who our stakeholders
20 are, where they operate, what their activities are, and
21 obviously assists us in terms of public consultation.

22 Q. Does it get used at all during what
23 has been referred to as work planning?

24 A. Oh, it is extremely important in
25 work planning. Work planning being, I guess, where I

1 am most involved at the district level in terms of
2 identifying data gaps. If you have got this long
3 record or long continuum of information on file, we
4 have identified there may be a specific area of concern
5 in timber management planning or a particular value
6 there, and if that has been identified and we can
7 determine that in fact we don't have all the
8 information we require or that we would be comfortable
9 with through work planning, we can actually budget
10 then, of course, for the next year or within that
11 five-year period to collect that specific piece of
12 information to make the decision we need to make in
13 timber management.

14 Q. Do the individuals on the timber
15 management planning team either collectively or
16 individually know that this information is available?

17 A. In fact, probably the biggest
18 difficulty I have with even sitting here is that I
19 can't do justice as a district manager to those people
20 who work for me in the district and know this
21 information far better than I do.

22 We are talking about people in our lands
23 program that have been there 10, 15 years who are
24 dealing with it on a daily basis, the same with our
25 fish and wildlife programs, our park program, fire,

1 timber, all of those programs.

2 I am kind of here as a district manager
3 trying to do the best job I can in presenting to the
4 Board the tremendous amount of information and data
5 that is there and the fact that it has been collected
6 and put together by extremely responsible professional
7 people. And absolutely, yes, it is used by them, they
8 are aware that it is there and in many, many cases they
9 are the ones that collected it in the first place.

10 The other point, I think I alluded to
11 this last week when we talked about how many times we
12 make contact with certain groups and/or individuals,
13 and I went back and I think I mentioned in terms of
14 tourist operators.

15 If you take one tourist operator in our
16 district, calculated actually that we could meet with
17 him as many as 36 times in the course of a year totally
18 outside the realm of timber management planning. And
19 the people that are doing that meeting and who are
20 meeting with those tourist operators or trappers or
21 Indians, whatever stakeholder you want to talk about,
22 are the exact people on the timber management planning
23 team and they are the people who have collected this
24 data over those periods of years that we are talking
25 about.

1 Q. Now, I understand that Panel No. 8 is
2 going to be speaking to training of various Ministry
3 staff people, but could you indicate just for the
4 purposes of the record at this time whether the people
5 who actually get assigned responsibilities to be on a
6 timber management plan, be it the forester, the
7 biologists, the land branch representative, do those
8 people receive any sort of training to ensure that they
9 bring forward the type of information that is essential
10 for timber management planning?

11 A. Yes, they do. In fact, it is even --
12 in my estimation even better than that. Not only do
13 they receive training -- in fact, in the last I believe
14 three, four years, prior to every timber management
15 plan being prepared in the province, that we have
16 brought in all of those timber management planning
17 teams to an area and subjected them to a three to
18 five-day training program.

19 So absolutely they get training, but I
20 say it is even better than that because having gone
21 through it once - and I can think of two or three
22 examples in my particular district - the trainers, if
23 you will, are the people in fact who prepared that plan
24 the previous time around.

25 So my roads, my operation supervisor is

1 one example. My IRM co-ordinator, having gone through
2 the preparation of timber management plans three to
3 five years ago is now one of the leaders, one of the
4 trainers for all of his peers and counterparts in other
5 districts who have yet may be to get in and prepare a
6 timber management plan according to the manual.

7 Q. Now, in terms of the information that
8 has been produced in Volume No. 3, can you advise
9 whether the information which is there or described is
10 available in all of the districts?

11 A. No, it is not, but it is not for good
12 reasons. Not all of the stakeholders are represented
13 in every district.

14 If I could give you an example. In the
15 northwest region - again, where I happen to come from -
16 but in the northwest region we have about 95 per cent
17 of the entire provincial wild rice crop, so obviously
18 we have good data, good data relative to wild rice
19 harvesting.

20 We have 95 per cent of the provincial
21 crop, so we obviously monitor that very closely. We do
22 aerial surveys, we monitor the harvest, we do all of
23 those sorts of things related to wild rice harvesting.

24 Now, in Cochrane District, as an
25 example - and I don't know whether Cochrane has wild

1 rice or not - but the fact we have 95 per cent, I would
2 suspect they have very little. They probably wouldn't
3 keep track of a great deal of information on wild rice.

4 By the same token, I believe we have one
5 farmer, one fully registered full-time farmer in Kenora
6 District. We don't have a great deal of information in
7 Kenora on farming. In the clay belt, a tremendous
8 number of farmers, a lot of demand for Crown land that
9 is also growing trees. So they would collect more
10 information on that particular stakeholder and that
11 activity.

12 So it is a balanced -- I say, yes, all
13 the districts will have it, but they will have more or
14 less depending on the degree of stakeholders and more
15 or less on the potential problems that might arise.

16 Q. The title of your paper, Mr. Pyzer,
17 is District Database Socio-Economic Environment. Could
18 you advise, does the Ministry of Natural Resources
19 collect the social and economic data which is
20 described?

21 A. When we go out and collect it -- I
22 say yes and no to that question. Yes, we have the
23 data, but when we've collected it, as I mentioned
24 earlier, we haven't done it specifically from a
25 socio-economic perspective. We may well have collected

1 my reference to the trappers.

2 I can tell you every trapper in Kenora
3 District, I can tell you whether he is a treaty Indian
4 or not a treaty Indian, I can tell you what he is
5 quoted for, I can tell you his past harvest for the
6 past -- since he has held a licence in Kenora district.

7 I can also tell you what the average
8 prices have been at the North Bay fur auctions, I can
9 translate that figure and I can tell you, without
10 having asked him, what that trapline was worth to him.
11 I can tell you in pretty good terms by translating that
12 data and mixing and matching it what that trapline is
13 worth to him. I can do the very same for a commercial
14 fisherman or for a bait fisherman.

15 As part of your commercial fishing
16 licence you are required to indicate how many metres of
17 net you are fishing, how many boats you own, how many
18 motors you have got, whether you have got dry ice
19 machines, wet ice machines, whether you have got land
20 use permits, where are they located, the value of your
21 traps, the value of your nets.

22 And, again, we have asked that for some
23 other reason, but in terms of timber management
24 planning, you can transfer that data and analyze it and
25 come up with some pretty good numbers that give you an

1 excellent feel for the value of that particular
2 activity to that stakeholder.

3 Q. All right. So that information you
4 have described would be information which would be
5 collected by MNR programs as an ongoing sort of thing?

6 A. That's correct.

7 Q. Are there other sources of
8 information in relation to the socio-economic
9 environment?

10 A. Well, there is no discounting the
11 fact that public consultation, and we rely extremely
12 heavily on public consultation to check our databases,
13 to check the information that we have, to review the
14 maps. And so certainly one cannot discount the public
15 consultation associated with timber management
16 planning.

17 In more specific cases, though, we
18 absolutely rely on other ministries to provide us with
19 data and information, and probably the two that come to
20 mind most readily -- certainly the one is the Ministry
21 of Tourism and the other is Ministry of Northern
22 Development and Mines.

23 Q. Could you explain the involvement of
24 the Ministry of Tourism and Recreation in the planning
25 process, and what I am really driving at in particular

1 is the role that they play in terms of the compilation
2 or production of socio-economic data or information?

3 A. I think it is extremely important for
4 the Board to understand that it is a policy of the
5 Ministry direction directly from the Assistant Deputy
6 Minister in northern Ontario that every planning
7 team -- that every planning team that is preparing a
8 timber management plan in an area with important
9 tourism interests or a large number of tourist
10 operators, it is compulsory that you have a
11 representative from the Ministry of Tourism and Rec sit
12 directly on the planning team.

13 And they sit there and they act as an
14 advocate for the industry and it is extremely important
15 for us in terms of Ministry of Natural Resources
16 because they can help to validate our area of concerns,
17 they can identify specific issues that the timber
18 management planning team should be dealing with and
19 they can provide us with a tremendous overview.

20 And I recall seeing some of the
21 examination or cross-examination of John Kenrick and
22 the Ministry of Tourism specifically provides that role
23 to us. We have access to the entire database of the
24 Ministry of Tourism and Recreation: The exit surveys,
25 the entrance surveys into the province, we see all of

1 the economic models that are put together by MTR, the
2 analysis which they prepare, all of the strategies
3 which the Ministry of Tourism has put together and, in
4 fact, everything that is prepared by their research
5 branch in Toronto is provided to the timber management
6 planning team at the local level.

7 More importantly than that - it was
8 something that wasn't asked I believe of Mr. Kenrick -
9 but more importantly than that, the Ministry of Tourism
10 representative who sits on the planning team knows
11 every tourist operator in his district and he provides
12 for us and is capable of providing for us economic
13 analysis and social analysis.

14 They do that on a regular basis. They
15 can tell us the capital investment of operations that
16 we are dealing with or that we may have to deal with in
17 timber management planning.

18 Q. We are talking now about individual
19 tourist --

20 A. Individual tourist operators and to
21 this extent, it is probably the most confidential
22 information that we do receive. But they do provide us
23 with data and information on capital investment.

24 We can determine what the annual revenues
25 of those tourist operators are, whether they are making

1 a profit or a loss, and how much of each they may be
2 making. We know the number of staff that they hire,
3 what occupations those people employ, whether they are
4 cooks, guides, housekeepers, maids, et cetera,
5 mechanics, pilots, et cetera.

6 So, again, on an individual tourist
7 operator basis, they will provide us that information.
8 If we do have a specific area of concern, a harvesting
9 operation or a road going through a previously remote
10 lake and it is going to cause impact to that operator,
11 they can supply us with the most specific, economic and
12 social data possible.

13 Q. How would you actually use that
14 information within the context of a timber management
15 plan?

16 A. Again, it is certainly more important
17 for resolving decisions, and I don't want to lead
18 anybody one to believe, because we don't make - and I
19 think we will talk a little bit about this later - we
20 do not make a bottom line economic decision. We don't
21 weigh: This person is worth \$5,000 and this person is
22 worth \$50,000, so we are going to give ten times the
23 weighting to the guy for 50. It simply doesn't work
24 that way.

25 But where it is important, and I can

1 think of couple of examples. Let's take a tourist
2 operator and this is a real life situation. A tourist
3 operator who may have eight or ten outpost camps, a
4 main base lodge and ten boat caches where he simply
5 flies people in for a day fishing trip into his boat
6 caches.

7 Now, because MTR can bring us that total
8 infrastructure, where his operation is, how many people
9 he employs - and don't misunderstand me, because this
10 is pretty simplistic, an example I am giving you -
11 losing a boat cache for that individual may not be
12 particularly significant.

13 On the other hand, there may be a
14 particular tourist operator who has five or ten boat
15 caches and that is the total extent of the operation.
16 Losing one of his boat caches might represent one-tenth
17 of his total business and it is extremely important to
18 know what the size, what his range of operations are,
19 what the capital investment is, and so it assists, it
20 helps us in making decisions.

21 Q. Just in case there is any
22 misunderstanding, what is a boat cache?

23 A. A boat cache -- well, I have some
24 decals here, but a boat cache is simply a boat that is
25 put on Crown land. And if you are putting a boat on

1 Crown land - that is a program that started primarily
2 in the northwest region - but if you are putting a boat
3 on Crown land you require a decal.

4 And depending on your activity - that
5 happens to be decal, it is in the shape of a diamond
6 and it is coloured yellow. If you are a resource
7 harvester, a legitimate resource harvester, a trapper,
8 a wild rice harvester, that decal will go on your boat,
9 on the front of the boat and it has got a number on it,
10 and if anyone -- any MNR person comes across that in
11 the bush we can tell exactly who owns that boat and
12 that it is resource harvester and that he doesn't have
13 guests out in the water and using it for other some
14 other purpose.

15 By the same token, if it is a private
16 individual it will be a green decal like this and,
17 again, it will have number on it and it will be
18 assigned to a particular lake. And if it is a tourist
19 operator or a commercial operation, it will be a
20 circular boat decal like that (indicating) and when we
21 come across that it, again, is numbered so we can
22 relate that to a particular lake, a particular
23 individual and his operation.

24 And to put your boat on Crown land or
25 any -- I guess the bottom line is that if you are using

1 Crown land for a commercial purpose you require
2 authority to be out there and these are simply one form
3 of authority and it is a method of cross-checking.

4 Q. Okay. There are, in your material, a
5 number of mailing lists and I think there is one there
6 of tourist operators within the district. Are those
7 lists kept for timber management planning purposes or
8 is that kept for other purposes?

9 A. No -- well, they are kept for a
10 number of purposes, but certainly they are used
11 extensively during timber management planning and one
12 of the key roles, again, from the Ministry of Tourism
13 representative on the committee is that he ensures that
14 the district mailing list is fully up to date, that we
15 have not missed any tourist operators.

16 He ensures that the area of concern map,
17 that we have indentified them all properly. When we
18 get into public consultation he would ensure that in
19 fact that person has been consulted, that we have
20 contacted them and, in many cases, he will do that
21 contacting for us. And, in fact, will track a
22 particular individual down if he knows where he is and
23 he is not at home, he is at a United States sport show
24 or wherever, and the MTR person is extremely valuable
25 in assisting us in resolving tourist industry timber

1 conflicts.

2 Q. What about mailing lists in relation
3 to other resource values other than tourism, are they
4 kept in any sort of regular fashion in order to ensure
5 that if you contact the people who might be involved to
6 obtain information?

7 A. They are kept in exactly the same
8 fashion. It is simply -- our mailing list is
9 computerized, it is broken down, it is broken down by
10 affiliations, by stakeholders, if you will. Many of
11 them are cross-referenced, they are cross-referenced in
12 terms of the District Land Use Guidelines, by fisheries
13 management zones they are within, they are
14 cross-referenced in terms of UTM grid.

15 So we can go directly to any one of those
16 sources, any one of those points and the fact that they
17 are all computerized and interrelated, we can draw up
18 any one of those names at any point in time.

19 Q. All right. That UTM grid is the grid
20 system that Mr. McNicol referred to?

21 A. Exactly the same one.

22 Q. Now, you indicated that in terms of
23 relying on other ministries, that the ministries that
24 come to mind were Ministry of Tourism and Recreation
25 and you also mentioned the Ministry of Northern

1 Development and Mines.

2 Was there any particular reason that
3 those were the two that came to mind, that those were
4 the two that you wanted to use as an example?

5 A. Certainly the Ministry of Tourism
6 and, again, I certainly saw some of the
7 cross-examination of Mr. Kenrick, the Ministry of
8 Tourism -- tourism is extremely important in northern
9 Ontario.

10 As a district manager I can tell you I
11 don't debate in my mind which is No. 1 and which is No.
12 2 and which is No. 3 and who tries harder. We simply
13 don't think of those terms.

14 I happen to chair the Guidelines
15 Committee, the committee that prepared the Tourism
16 Guidelines for the Protection of Tourism Values and
17 there was a bit of a humorous exercise when we flew
18 from town to town.

19 The two presidents of the two
20 organizations sat on the steering committee and they
21 used to sit in the airports and argue for hours at
22 length as to who was No. 1 and who was No. 2 and what
23 the TransCanada value -- TransCanada highway was worth
24 if you harvested the wood on the right-hand side of the
25 road, was it worth \$5.2-billion to timber and

1 \$4.9-billion to tourism and it was humorous, but we
2 simply don't look at things that way.

3 Having said that, there is no question
4 that those are probably the two most important
5 industries in northern Ontario. But when I say
6 important, I am not even quantifying that in terms of
7 importance dollar-wise.

8 Probably most important because they are
9 the two that impact on each other. When you are asking
10 a timber company to move a road a mile and a half back
11 from a lake because it is a remote fly-in lake, and
12 that has a cost or carries a cost of \$1.5-million
13 dollars, that is a significant impact on the forest
14 industry.

15 By the same token, if that road is going
16 to go by within 2- or 300 feet and that particular
17 resort was just purchased by Grassy Narrows Lodge and
18 they paid \$3.5-million for it and they are trying to
19 get that up and running in the next two years, it is
20 extremely important to that industry.

21 So in my mind they are two extremely
22 important industries and they are the two that, as a
23 district manager, probably cause me as many problems in
24 terms of interacting with each other. That is why I
25 used the example.

1 Q. What about the Ministry of Northern
2 Development and Mines, can you indicate how information
3 from that ministry could be used within the context of
4 timber management planning?

5 A. Actually, the Ministry of Northern
6 Development and Mines probably views a lot of the
7 things that the forest industry is doing and timber
8 management planning is fairly positive. In fact, they
9 probably view them as quite positive.

10 So they like to be involved in terms of
11 future mining potential, certainly timber access roads
12 open up areas that have high mineral potential. There
13 are certain areas - and I can think of the Cameron Lake
14 Mine in our district, in Kenora District that was a
15 quasi-go because it was not road accessible, it was
16 fairly remote. And the fact that the timber operator
17 and the mining company were able to get together and
18 join forces, if you will, and cooperatively build a
19 road, there was tremendous benefits between the two of
20 them.

21 There are other examples in terms of the
22 Nelson Quarry operation north of Kenora within the
23 Grassy Narrows traditional land use area. And
24 interestingly in that one, the Ministry of Natural
25 Resources has been a major consultant to both parties

1 in terms of how to conduct public consultation and how
2 to get good information flowing back and forth.

3 If I could give another example, I guess
4 Warner Lake Road, the road that comes across from
5 Manitoba into northwest Ontario in our district.
6 Again, it was constructed for timber management
7 purposes, has tremendous tourism values there. We are
8 trying to protect that remote tourism, trying to have a
9 a viable mining industry as well. The timber company
10 built the road and we have been able to develop a
11 consensus in terms of how that road should be managed,
12 opened/closed. And so the benefits, the potential
13 benefits to the mining industry as a result of forestry
14 have been very significant and positive.

15 Q. Are there any other ministries that
16 have frequent input or more frequent than perhaps
17 others to the timber management plan, those are other
18 than obviously MTR or the Ministry of Northern
19 Development and Mines?

20 A. Yes. We have lot of dealing with the
21 Ministry of Transportation. It used to be MTC, now
22 MTO.

23 Again, if I can use an example from my
24 area, the English River Road system going north there,
25 the potential certainly exists at some point in time -

1 and most people have probably heard about the fire
2 situation in Red Lake - there basically is one exit out
3 of Red Lake in terms of emergency situations and forest
4 fires.

5 It is quite likely or a possibility at
6 least that some time in the future a road like the
7 English River Road, built specifically for timber
8 management planning purposes, will be upgraded as has
9 the Jones Road into a secondary highway.

10 And so certainly Ministry of Transport is
11 extremely interested in where the roads are going, what
12 the future linkages might be, those sorts of things,
13 and so we definitely have dealings with them.

14 As I was speaking - I speak too fast -
15 one thing did come to mind about Ministry of Northern
16 Development and Mines that I should have clarified and
17 that is that we have a specific policy that says any
18 time we are doing certain types of timber activities,
19 harvesting, road construction that could disturb mining
20 instruments; i.e., a claim post, a picket line,
21 anything that is related to the mining industry which
22 are protected under the Mining Act, that in fact we
23 have a process that immediately plugs in both the
24 mining recorder at the field level and the resident
25 geologist.

1 And obviously where we are coming from is
2 trying to avoid impacts on each others' industry, so we
3 have developed a policy and a procedure to immediately
4 notify both the mining recorder, the resident
5 geologist, so that anyone who has a legitimate claim
6 stake or a mining interest on Crown land is notified
7 that there is or could be timber management activities
8 occurring.

9 Q. Now, the Ministry has undertaken to
10 advise the Board of the results of discussions which
11 are ongoing between the Ministry of Natural Resources
12 and the Ministry of -- I can't remember, MCC, what does
13 that stand for?

14 A. Ministry of Citizenship and Culture.

15 Q. All right. And these discussions are
16 related to the development of Guidelines for the
17 Protection of Heritage Values--

18 A. That's right.

19 Q. --that we will be dealing with. And
20 can you just advise the Board at this time for the
21 record who is in fact represented in those discussions?

22 A. Yes. Obviously, the Ministry of
23 Natural Resources and the Ministry of Citizenship and
24 Culture.

25 There is a steering committee, again, of

1 MNR, a number of MNR people and a number of Citizenship
2 and Culture people. I should mention that a
3 facilitator has been -- a consultant, if you will,
4 retained, an independent consultant. The forest
5 industry is involved. Maybe I will just read some of
6 these people, some of the workshop participants.

7 Mr. Peters, the forest archaeologist from
8 the Superior National Forest in Duluth, Minnesota; Ron
9 Williams and Dr. Williamson with the Association of
10 Heritage Consultants in Toronto; Christine Karapo who
11 is the President of the Ontario Archaeological Society;
12 John Peters from the Land Use and Environmental
13 Planning Department, he is a heritage planner with
14 Hydro; Paul Lennox from Ministry of Transportation,
15 Donna Polowski with the Nishnawbe-Aski Nation; Dean
16 Jacobs from the Walpole Indian Council, Walpole Island
17 Council Indian reserve; Chief Willy Wilson from Grand
18 Council Treaty 3; Bill -- Dr. Finlayson from Ontario
19 Council of Archaeology.

20 Do you want me to go on, or is that
21 giving you a feel?

22 Q. Any of the other parties here that
23 you can see, are any of them represented?

24 A. Well, certainly again I see here the
25 Ministry of Northern Development and Mines;

1 Abitibi-Price; Algonquin Forestry Authority; the
2 Ontario Lumberman's Association; the University of
3 Toronto; Atikokan District and a member here of the
4 tourist operator, Bill Chambers -- and sorry, Don, but
5 I see your name on there, I almost missed that, Don
6 Huff from the Federation of Ontario Naturalists.

7 MRS. KOVEN: Excuse me, are all these
8 people sitting on one committee or are you just
9 consulting with these groups?

10 MR. PYZER: There is a steering committee
11 and there are workshop participants and my
12 understanding is these people all have participated in
13 the development of the guidelines and will be in terms
14 of reviewing the drafts.

15 MR. FREIDIN: Q. Mr. Pyzer, you and Mr.
16 Clark I think the other -- not I think, you did last
17 week testify how information is obtained sort of
18 outside the formal timber management planning process
19 but which could be used for timber management planning
20 purposes.

21 When you speak of getting information
22 from the forest industry, who are you including in that
23 definition of the forest industry?

24 MR. PYZER: A. You know, a point I
25 really want to get -- would like the Board to

1 understand is - and I think there is a great
2 misconception - is that when we talk about the forest
3 industry and, again, I have to use my district as an
4 example.

5 In Kenora District we have two forest
6 management agreements with Boise Cascade. We have two
7 Boise FMAs and we have two Crown units, the Aulneau
8 Crown Management Unit and the Minaki Crown.

9 And I think that when you hear that there
10 are two forest management agreements within that
11 district, that conjures up immediately an image that
12 there are big coring machines out here, and there are
13 large woodland operations.

14 Now, certainly there is a substantial
15 amount of wood being cut, but the key point is that all
16 of that is being cut by small individual jobbers,
17 fellows that will operate -- two or three fellows that
18 will operate a chainsaw, a skidder and a truck. It is
19 not, if you will, Boise Cascade out in the bush.

20 And the point that I would like to get
21 across is that many, many of the harvesters in our
22 district, which I believe is representative right
23 across northern Ontario - and I can give you as many
24 examples as you want - they are also tourist operators,
25 some of them are trappers, some of them are commercial

1 fishermen, some of them are commercial bait fishermen
2 and I think the perception is that in the north that
3 you do one thing.

4 And with the exception of a Sault Ste.
5 Marie, a Thunder Bay and maybe a North Bay, it just
6 doesn't happen that way. Most of the people have two
7 and three occupations and many, many of our timber
8 operators who are cutting wood in the bush are also
9 tourist operators and are also trappers.

10 And I say this because it is extremely
11 important. Some of the best information and data we
12 get is from those people. They like to think of
13 themselves, and I believe most of them are,
14 conservationists. They tell us about as many bald
15 eagle nests as we find. They have to no great desire
16 to destroy the thing that in terms of their other
17 occupation or business is contributing to it.

18 I think there is a misconception there
19 that everybody out in the bush is working for a big
20 company and has no great regard other than for trees.
21 And certainly, in my perspective, that's wrong, that's
22 an error.

23 Q. Although significant data and
24 information is obtained on a day-to-day basis, as you
25 and Mr. Clark have described, could you indicate what

1 role the formal public consultation opportunities play
2 in that regard?

3 A. Well, certainly I would like to give
4 the Board the feeling that we know them all before they
5 even come to our meetings, and I believe that is the
6 case.

7 In terms of the vast majority of our
8 stakeholders, there are no surprises at public
9 consultation and I say that in all honesty. We don't
10 see very many people out who we didn't anticipate
11 coming out. But having said that, nevertheless, those
12 consultation sessions are extremely important because
13 it reconfirms for us that we have identified our
14 shareholders properly, we have identified their values
15 and interests, and it provides us with one more
16 opportunity.

17 I talked about the potential of meeting
18 maybe 30, 35 times a year with the tourist operator.
19 Well, the timber management planning session is No. 36
20 or 37. It is another opportunity to meet face-to-face
21 with those people that we deal with on a daily basis.
22 It confirms our data, it confirms our assumptions and
23 our strategies, it allows us to find and to identify
24 additional follow-up needs in terms of consultation, it
25 identifies data gaps and gaps in our information and it

1 allows us to resolve problems and issues face-to-face
2 across the table.

3 I guess the other thing that it does -
4 and this is a benefit to the Ministry of Natural
5 Resources - it allows us, in many situations, to take a
6 step back and not become overly involved because what
7 those open houses do and those meetings do is allows
8 the tourist operator to meet the trapper and it allows
9 the trapper to meet the environmentalist or the hunter
10 or the timber company.

11 So we can actually take a step back, and
12 I think this is a very valuable role, one that is often
13 discounted and not really well understood, but it
14 allows those other individuals to meet themselves and
15 we take a step back and watch them interact and it is
16 extremely valuable from that perspective.

17 Q. Could you indicate what your response
18 would be to the following hypothetical, Mr. Pyzer:

19 What would your response be if someone
20 suggested to you that the Ministry of Natural Resources
21 relies too heavily on non-MNR people to provide
22 information for timber management planning, that if
23 information is not provided by such people the issues
24 which require attention will not be dealt with.

25 And perhaps throw into the equation the

1 suggestion that the Ministry of Natural Resources
2 should be more proactive in terms of contacting people
3 who might be affected by timber management activities
4 in order to obtain all the required information?

5 A. I think one of the problems is - and
6 it is our problem in terms of understanding - is that
7 we are not like Ontario Hydro, we are not like a big
8 project. The way the Ministry does business, we don't
9 parachute a planning team, if you will, into a
10 district.

11 We don't require to bring in sociologists
12 and economists and planners from Toronto to solve a
13 project, if you will, in Kenora District and I think
14 that really distinguishes us from how most other
15 agencies do business.

16 I am just trying to figure out the ratio,
17 but it is probably in the neighborhood of 1 in 50, 1 in
18 100 people in Kenora probably work for the Ministry of
19 Natural Resources.

20 If I can give you a couple of examples.
21 My district land supervisor, about a third or fourth
22 generation on Lake of the Woods. Basically every Crown
23 land subdivision cottage that's been developed or piece
24 of property that has alienated from Crown in the last
25 25 years, he has been out and walked it.

1 We get an invitation from the Lake of the
2 Woods Property Owners' Association, 3,500 people that
3 meet in Winnipeg and we go across to that meeting and I
4 can assure you, they don't want me there, they want my
5 land supervisor because when he gets up and talks he
6 talks about their property, he walked across it, when
7 he surveyed it, where it was, and that really is what
8 distinguishes us so well.

9 I will take another example, trapping. I
10 have an individual, Wayne Stack, who has been in the
11 district 15, 18 years. When an Indian trapper from
12 Grassy Narrows or Whitedog or from White Fish Bay walks
13 in our district and wants to talk about trapping, he
14 does not want to talk to me, he doesn't want to talk to
15 my fish and wildlife supervisor, he wants to talk to
16 Wayne Stack.

17 With all due respect, the Minister of
18 Natural Resources could be standing in the district and
19 he doesn't want to talk to the Minister of Natural
20 Resources, he wants to talk to the man responsible for
21 trapping and that's because Wayne is out there all
22 time; he is out in the bush, he is meeting them on
23 their traplines, he is resolving trapping disputes.
24 And that is the strength of the Ministry of Natural
25 Resources.

1 Walleye management. There has not been a
2 paper written on walleye management probably anywhere
3 that has not referenced most of the work of Val Masons
4 on the Lake of the Woods Assessment Unit and that's
5 because he probably is one of best walleye researchers
6 in the world, bar none. And if you don't believe that,
7 you look at the United Nations FAO reports on the
8 synopsis of walleye and the vast majority of
9 documentation is coming from Val Masons on the Lake of
10 the Woods Assessment Unit.

11 So if a tourist operator or a member of
12 the Ontario Federation of Anglers & Hunters, or a
13 member of the Kenora Conservation Group wants to talk
14 about walleye, he comes into Kenora District and he
15 meets with Val Masons.

16 The point I want to made and really
17 emphasize is that we don't have to parachute these
18 people in and parachuting a group in, and I can
19 sympathize with the problem of having to do that kind
20 of an exercise because immediately what you have to do
21 is try and think who are the stakeholders here and
22 immediately, in a kind of a Hydro syndrome of planning,
23 you have to figure out who are these people, what do
24 they think about, how do they operate.

25 Well, the benefit of the Ministry of

1 Natural Resources is that we live there and we know
2 these people and, in a small community, you socialize
3 with them, you meet with them on a regular basis.

4 I have one other - not to prolong the
5 discussion - but I have one other fellow and I
6 absolutely guarantee that if you took a picture of the
7 Mayor of Kenora and my Parks and Recreation Assistant
8 Supervisor and you walked and stopped a thousand people
9 in the Town of Kenora and said: Who can you identify,
10 more people would Brian Aplin and that is because he is
11 a curler and he got beat out by Al Hackner, but he is
12 at that level of curling and expertise, and he is
13 extremely well known and a very nice man that people
14 bring you that kind of information.

15 And that really is the strength of the
16 Ministry of Natural Resources. In fact, on the mayor
17 business, I have one staff who is running for mayor in
18 this coming election.

19 Q. I am not too sure I want -- I have to
20 ask you the next question because I was going to ask
21 you whether this form of public consultation process is
22 an effective means of obtaining information, but I will
23 ask you nonetheless.

24 Do you think it is an effective means of
25 collecting information, the formal process I am talking

1 about now?

2 A. The formal process?

3 Q. Yes.

4 A. Certainly the formal process is
5 important. I just don't want the Board to believe or
6 feel that while it is an extremely important formal
7 process, that it is the most important process.

8 It appears that way in writing and it
9 appears that way if you want to follow a process and in
10 terms of understanding and having a feeling of comfort,
11 but as a district manager sitting in the district I
12 don't put my comfort in knowing that we are going to
13 have three public meetings.

14 And you are probably going to shoot me
15 for saying this, but I think three public meetings are
16 baloney compared to what our staff do on a day-to-day
17 basis and a month-to-month basis and a year-to-year
18 basis.

19 If I had to choose one or the other,
20 there is absolutely no way I would choose going with
21 three or five or six public meetings. I will take the
22 meetings that my staff and I are having on a daily
23 basis absolutely any day.

24 Q. I would like to speak a little bit
25 about -- or have you speak a little bit about Indian

1 communities and Indians generally in terms of, again,
2 the kind of information that the Ministry normally has
3 available at the management unit level.

4 Could you address that particular subject
5 matter, Mr. Pyzer?

6 A. Again, I think the key point that we
7 always have to keep in mind in terms of dealing with
8 Indian people is that there is a duality there.

9 Every Indian who is a tourist operator,
10 every Indian who is a trapper, a commercial fisherman
11 who participates at any one of those resource
12 management activities we get him, if you will, or her
13 in terms of the socio-economic activity the same way we
14 get any other commercial fisherman, trapper, tourist
15 operator. We don't distinguish.

16 We deal -- in the evidence package when
17 we are talking about stakeholders we don't talk about
18 Indian trappers and white trappers, we don't talk about
19 Indian commercial fishmen and white commercial
20 fishermen; we talk about commercial fishermen, we talk
21 about tourist operators, we talk about all of those
22 various interests.

23 And so to the extent that an Indian
24 person participates in those activities, he is covered
25 every bit as well.

1 Having said that, though, we do go beyond
2 and certainly there are special consultation processes,
3 if you will, with Indian people. We do make special
4 notices, we do notify them in terms of timber
5 management planning. We make a special case of
6 ensuring that they are notified, of sending registered
7 letters.

8 If we don't see them out at particular
9 meetings, we make it a point to phone and say, you
10 know: You weren't there, can you make sure you make
11 the next meeting. We send registered letters as
12 opposed to sending 'a single letter and we do get the
13 slips back telling us: Yes, those letters have been
14 picked up. So, yes, in fact they have seen that we are
15 going to hold a meeting there.

16 We have special agreements in certain
17 areas. Certainly in my district, we have the
18 Whitedog/Islington agreement and a component part of
19 that is that we will, on an annual basis, go and
20 present the annual timber plan, the annual schedule, if
21 you will, for that timber -- for the Aulneau Crown
22 Management Unit.

23 When we prepare a five-year timber
24 management plan for Whitedog, we go and it is a part of
25 the Whitedog agreement between ourselves and Whitedog

1 that we will go and make a special presentation on that
2 plan.

3 Q. And if there was information that
4 they wanted to give you, those would be the
5 opportunities for them to do that?

6 A. They are one -- they are another
7 opportunity but, yes, that's right, another
8 opportunity.

9 Q. Could I refer you and the Board to
10 the Interrogatory 7 from Nishnawbe-Aski Nation which is
11 marked Exhibit 288.

12 A. Sorry, No. 7?

13 Q. Yes, 7, of Nishnawbe-Aski Nation.
14 Mr. Pyzer, I understand that you prepared the answer to
15 this particular question?

16 A. With assistance, that's correct.

17 MR. FREIDIN: Mr. Chairman, perhaps it
18 would be worth taking a minute and have everyone read
19 that because I want to have Mr. Pyzer deal with the
20 question.

21 Now, Mr. Chairman, I see some people
22 don't have it. Perhaps I should just read it, it is
23 not that long. The question was:

24 "With respect to the table entitled:
25 District Databases, Socio-Economic

1 Environment, Indian Bands found at page
2 835, does the Ministry of Natural
3 Resources gather information on the
4 following matters with respect to
5 Nishnawbe-Aski Nation's communities:

6 (1) Community land base requirements and
7 concerns;

8 (2) community social and
9 economic development programs;

10 (3) traditional land uses; and,

11 (4) cultural development programs.

12 If yes, please provide examples of the
13 information gathered and indicate how
14 this material is used in the preparation
15 of forest management agreements and
16 timber management plans."

17 I don't intend to have this document read
18 into the record, it is already part of the record.

19 Q. But Mr. Pyzer, could you just give a
20 brief synopsis of the response?

21 MR. PYZER: A. Well, I think certainly
22 one of the keys things to bear in mind is we have what
23 are called Indian Band and Reserve Profiles, a very
24 large document, a fairly thick document, and it is a
25 profile of every Indian band in the province, certainly

1 northern Ontario.

2 Each district maintains that profile and
3 it talks about - and I believe there is an example in
4 the evidence package so the Board could refer to it at
5 their leisure - but it talks about things like
6 community services, natural resource bases, it gives
7 you a thumbnail sketch, if you will, about each
8 particular Indian reserve, how large it is, who the
9 chief and councillors are, whether it is a band that
10 relies on commercial fishing, on tourism, it gives you
11 a good feeling in a thumbnail sketch as to what
12 particular economic activity that band is involved
13 with.

14 Q. Perhaps we can just stop you there.
15 Can you refer us to a page of the exhibit, Exhibit
16 266C, where that Indian reserve profile appears? I
17 think 837.

18 A. Yes, page 837 to, I believe, 841.

19 Q. So basically what you are doing is
20 just giving a thumbnail sketch then of the kind of
21 information that is available on one of those, is that
22 correct?

23 A. That's correct. Again, it shows you
24 the access to the reserve, whether it is road
25 accessible, water accessible, the population, the

1 community services in terms of fire protection,
2 education, whether it is electrified, has waste
3 disposal, a mail service.

4 And a lot of the reserves in northern
5 Ontario have what are called uninhabited reserves, so
6 it is -- maybe one of eight or nine of the reserves, an
7 Indian band, if you will, may have five or six or seven
8 parcels of land scattered all over the place. They may
9 only live on one of those parcels. So this document is
10 some basic resource information about each of the
11 uninhabited reserve lands.

12 It talks a little bit about forest
13 harvesting potentials, and I would hasten to add that a
14 lot of this information on timber potential comes
15 directly from the Indian logging unit which is
16 associated with the bands, not MNR; so it is an Indian
17 interpretation of their resources, not ours.

18 Q. Okay.

19 A. And we certainly share this
20 information with the Federal Government people and got
21 a lot of information from them.

22 So, again, the interrogatory talks to the
23 fact that we have these profiles, the fact that -- and
24 what information is in them. I have mentioned also
25 that to the extent that an Indian person is a

1 stakeholder and any one of those other activities, we
2 certainly have got that information in terms of the
3 Nishnawbe-Aski question there. So, again, as they
4 would, if they were a white trapper or a white
5 commercial fisherman, we have all of that data.

6 Q. Questions arose during earlier
7 evidence about -- we got into that discussion of the
8 Indian bands profile because I was asking you to sort
9 of highlight the answer that was given on 7. Is there
10 anything else that you want to highlight or shall we
11 let the record speak for itself?

12 A. I am sorry, I missed that question.

13 Q. We got into that question of Indian
14 bands profiles, my question was asking you to synopsise
15 the answer to the interrogatory that has been marked as
16 Exhibit 288. So you have taken us to the Indian
17 profile, can we go back to that -- sort of back to the
18 original question, is there anything else that you
19 wanted to specifically refer to in the answer?

20 A. Well, I think the profile, the fact
21 that I have already mentioned our specific information
22 and data by specific stakeholders, I mean that is
23 extremely important, and then anything that is on file,
24 obviously any dealing that we have had with an Indian
25 reserve, whether it was in terms of additional land

1 requirements, previous discussions relative to any kind
2 of agreement or a problem or issue, we would go back
3 and collect data.

4 And I gave one example here. In Sioux
5 Lookout District where a particular Indian band had
6 some concern for land and, in fact, when we prepared
7 the forest management agreement the first time we
8 excluded four square miles, four square roving miles,
9 we never did identify it on paper, so that when the
10 agreement in fact was reached the company knew right up
11 front that we would be withdrawing four square miles
12 from the agreement area.

13 In terms of economic development, it may
14 surprise the Board and others to know that we have a
15 number of joint exercises where we have worked with
16 Indian communities quite well and I have given a number
17 of examples here.

18 Both in Nipigon, the Kayashi Management
19 Unit, the White Sands Resource Development area which
20 works both with a company and the local Indian reserve.
21 If I could give a couple of examples even in my own
22 district. Again, going back to Grassy Narrows - and
23 this is I suppose a way of showing our understanding in
24 the collection of data from a social and economic
25 perspective - Grassy Narrows has bought the old Barney

1 Lake -- or Barney's Bald Lake Lodge for \$3.5-million, I
2 believe the price was.

3 We are very sensitive to that, having
4 that large a potential and will be a tourist operator
5 there. We have met with the band many times, they
6 wanted to build a bridge across Hector Creek on the
7 Jones Road and we said we would build that bridge for
8 them at about a \$.5-million.

9 The band wanted to get into additional
10 tourism opportunities on the English River system. We
11 actually flew the band and councillors to Lac Seul and
12 we facilitated a meeting there with the Lac Seul
13 tourist operators as to how they ran that closed Crown
14 land development program on Lac Seul so that we could
15 adopt -- or rather, that the Grassy Narrows Indian
16 reserve could adopt that on the English River system.

17 Since that point in time we have closed
18 the entire river system down to the benefit of Grassy
19 Narrows Indian reserve. This past year we closed Oak
20 Lake, Maynard Lake, Tide Lake, Bald Lake, Indian Lake,
21 Big Fox Lake, Little Fox Lake and Lout Lake and that is
22 a huge, huge area.

23 So if you are now a non-resident of
24 Canada coming into our district and you want to camp on
25 that river system, there is only one place you can do

1 that and that is by camping on camp sites that we have
2 now worked out with the band and all of the social and
3 economic benefits are flowing through that.

4 You tell me to stop, but I can give you
5 many, many more examples.

6 Q. Stop. And maybe I will stop.

7 THE CHAIRMAN: I think we are going to
8 get you to stop as well, Mr. Freidin.

9 MR. FREIDIN: I noticed about five
10 minutes ago that that was coming.

11 THE CHAIRMAN: We will take a 20-minute
12 break. Thank you.

13 ---Recess taken at 2:35 p.m.

14 ---Upon resuming at 3:00 p.m.

15 THE CHAIRMAN: Thank you, ladies and
16 gentlemen. Be seated, please.

17 MS. SWENARCHUK: Mr. Chairman, Mr.
18 Freidin has just told me that contrary to his
19 expectation to finish on Friday, he is going to finish
20 shortly and Mr. Cosman has apparently a very short time
21 to take.

22 Now, I didn't bring my cross-examination,
23 I didn't expect to be on today. In addition to that, I
24 also have a series of articles which I was going to
25 provide to the panel before cross-examination tomorrow

1 and I was going to provide them to them tonight.

2 So reluctantly I have to ask or suggest
3 that we adjourn after the completion of Mr. Cosman's
4 cross-examination, which maybe a little earlier than
5 you planned.

6 THE CHAIRMAN: Miss Swenarchuk, how long
7 do you expect to be if you started tomorrow?

8 MS. SWENARCHUK: Certainly not more than
9 a day now, I would expect, Mr. Chairman.

10 THE CHAIRMAN: Not more than one day.

11 MS. SWENARCHUK: Not more.

12 THE CHAIRMAN: So you would finish
13 tomorrow you expect?

14 MS. SWENARCHUK: I suspect so.

15 THE CHAIRMAN: Mr. Williams, how long are
16 you going to be after that?

17 MR. WILLIAMS: I would say about the same
18 period of time.

19 THE CHAIRMAN: So that is one day. So
20 you would be through on Wednesday?

21 MR. WILLIAMS: Well, I can't be assured.
22 I mean, I think we are willing to say approximately a
23 day and it depends very much, quite frankly, on what
24 Forests For Tomorrow have to say because some of our
25 cross is--

1 THE CHAIRMAN: Related.

2 MR. WILLIAMS: --being reduced as more
3 evidence is reduced, so that we are having to pare it
4 down.

5 THE CHAIRMAN: Okay. And, Mr. Campbell,
6 you were indicating two or three hours, or more?

7 MR. CAMPBELL: I expect I would be -- I
8 think what I said was half a day, or my usual half a
9 day to a day.

10 My problem is I now have done other
11 things over the weekend and have people coming up here
12 to meet with me both tonight and, except for a very
13 important engagement on Wednesday evening, to continue
14 working with them on Wednesday evening in the
15 expectation that I would not be cross-examining this
16 week. As a result of canvassing this matter on Friday,
17 I put those arrangements in place.

18 THE CHAIRMAN: Well, as everybody knows,
19 I think it is our goal that we want to finish this
20 panel in its entirety before we rise for the site
21 visit.

22 And based on what everyone is saying, I
23 think, because next week we really have only Mr.
24 Hunter, who may be of any length of time, I do not know
25 whether Mr. Edwards is planning to cross-examine or

1 not. He was here briefly last week, but...

2 MR. COSMAN: I was with a group of
3 counsel, Mr. Chairman, and he indicated that unless he
4 told you otherwise, that his plans then was not to
5 cross-examine.

6 THE CHAIRMAN: Was not. So it is really
7 next week we are looking really at Mr. Hunter and Mr.
8 Campbell and then re-examination.

9 Mr. Freidin, do you have any feeling at
10 this point, I guess you do not, you have not heard the
11 cross-examination?

12 MR. FREIDIN: Re-examination, I think I
13 have taken about an hour to an hour and a half every
14 time. It doesn't seem to make any difference how long
15 it takes me. I can't go more than --

16 THE CHAIRMAN: Well, I think reasonably
17 we can expect to finish next week without too much
18 difficulty. So, if necessary, we will just end today
19 when you finish and Mr. Cosman finishes.

20 MR. FREIDIN: Well, I am just wondering
21 whether we can hold Mr. Cosman's five minutes of
22 questioning so I will have the opportunity to speak to
23 the panel.

24 If they get cross-examined -- I mean Ms.
25 Swenarchuk is going to provide the witnesses with a

1 series of documents which they have not seen. Unless
2 she has some objection to me discussing those documents
3 with my witnesses, I would ask that the
4 cross-examination not start because if it does start
5 for five minutes, I won't be able to discuss it with
6 the witnesses.

7 MR. COSMAN: I will undertake not to be
8 longer than seven minutes.

9 THE CHAIRMAN: Okay. I guess that sounds
10 reasonable. We can accommodate that right at the
11 beginning of the day tomorrow, if necessary.

12 And I take it, Mr. Williams, it would be
13 better if you followed Ms. Swenarchuk because that
14 would, to some extent, delineate the boundaries of your
15 cross-examination; would it not?

16 MR. WILLIAMS: That's correct, Mr.
17 Chairman.

18 THE CHAIRMAN: Okay, Mr. Freidin. And
19 that does not necessarily mean you have to take us
20 until five or six o'clock.

21 MR. FREIDIN: The only thing I have
22 requested, in order to perhaps lengthen it a bit, is to
23 ask Mr. Pyzer to slow down a little bit.

24 But in order to ensure that he slows
25 down, I understand that in relation to the

1 interrogatory dealing with native communities, I am not
2 going to refer the witness -- or ask the witness to
3 comment on Nishnawbe-Aski Nation Interrogatory No. 3,
4 but I would just refer the Board specifically to that
5 document, Exhibit 286, which deals with information
6 regarding subsistence use and traditional harvesting
7 methods.

8 And, of course, Mr. Chairman, we're
9 relying on all the interrogatories which were filed but
10 I just wanted to highlight that particular one.

11 Q. Now, during the cross-examination of
12 Mr. Kenrick, there was some discussion about the fur
13 management course, and did you review the transcript of
14 Panel No. 6 in regard to that subject matter, Mr.
15 Pyzer?

16 MR. PYZER: A. Yes, I did.

17 Q. And I understand that you feel that
18 there may have been some confusion in relation to what
19 requirements there are or may not be for Indians to
20 take that course, the language of instruction and that
21 sort of thing, and that you wanted to clarify that
22 matter?

23 A. Well, I think Mr. Kenrick made the
24 point that he was speaking from a Moosonee District
25 background which was outside the area of the

1 undertaking, and that his situation was unique and that
2 he had very few white trappers.

3 And I believe the question was: Well,
4 what do they do in Kenora. And to clarify the matter
5 for the Board - and I think he also referred to it as a
6 literacy test. Certainly, that is not what it is
7 called. I believe Mr. Colborne used that term, a
8 literacy test. There is no such thing as a literacy
9 test.

10 The pure and simple matter is that there
11 is a point system that the Ministry uses to gauge
12 trappers and whether one has the background -- it makes
13 the decision. If there are five or six people wanting
14 an individual trapline, there are a series of criteria
15 that you go through for this particular point-scoring
16 system.

17 I guess the key thing that I want to
18 bring to the Board's attention is that, yes, you do
19 have to take a trapper's course if you are not an
20 Indian. If you are an Indian person, you do not have
21 to take the course.

22 Given the controversy that is in Europe
23 in terms of fur trapping and that sort of thing, and
24 certainly the Ministry's desire to -- and we certainly
25 believe that fur trapping is a viable industry and it

1 harvests a resource which is a natural resource which
2 renews itself, and I suppose one could make the
3 argument, from that perspective, it is even better to
4 be wearing a natural resource-like fur than it is a
5 synthetic product made from oil. So we certainly
6 support most of the positions that the Indian people
7 are taking relative to trapping.

8 They do not, however, have to take the
9 course. If they choose to - and we certainly want them
10 to take it - if they choose to do take it, they do not
11 have to pass it. In fact, if they choose to take it
12 they don't even have to take the test.

13 That is not the same for a white person.
14 A white person has to take the test, they have to pass
15 the test. But I want to make it very clear that an
16 Indian person does not.

17 Q. And could you comment on the language
18 of instruction if in fact the course is taken by
19 Indians?

20 A. The Ministry has translated, I
21 believe -- I understand most, if not all, of the
22 trapper manuals have been translated into Cree Ojibway.
23 My understanding also is is that the government - and I
24 believe this is a multi-ministry initiative, Ministry
25 of Northern Development and Mines and the Ministry of

1 Natural Resources working with the Ontario Trappers'
2 Association - have both translated those documents into
3 Cree Ojibway and are working to, in fact, have the
4 course instruction in the far northern areas also in
5 the Indian's native language.

6 I can tell you in Kenora what we will
7 often do is if the person doesn't want to take a test,
8 is what we will do is put him on an apprentice for a
9 year with an Indian trapper and we like him to work
10 with that existing established Indian trapper, get to
11 know the ropes, if you will, and learn those sorts of
12 things that he would learn in the trapper's course and,
13 again, that is more than good enough for us for him to
14 take over that trapline.

15 Q. Now, if I could just refer you to
16 page 671 -- 672 and 673 of the Exhibit 266C, those are
17 trapper licences -- each page is a copy of a trapper's
18 licence and in terms of the trapper's number, are you
19 able to distinguish between treaty Indians and
20 non-treaty Indians?

21 A. Yes. This is actually one of
22 probably the few times where we do record a piece of
23 data that does get to one's background, if you will.

24 If you look at the trapper's licence on
25 page 672 at the top there you will see trapper No. 12

1 and then a KE03. For the Board's interest, that 03 is
2 simply an indication of which conservation officer's
3 patrol area that is in. But then you will see N105.
4 The N in this case indicates that that person is a
5 non-native.

6 And if you turn the page to page 673, you
7 will see that instead of an N there is a T and that
8 indicates that that is a treaty Indian. And from that
9 base we can distinguish whether the lines are an
10 existing treaty Indian line versus a non-treaty Indian
11 and I can also tell the Board that where a treaty
12 Indian holds a trapline, we will not give that to a
13 white trapper.

14 The reverse could occur. We could take a
15 white trapper's line and convert that to a treaty
16 Indian line.

17 Q. So a matter of other Indians sort of
18 having first right of refusal on that line?

19 A. Only an Indian can take over
20 another -- a treaty Indian's line. That is the
21 established practice.

22 Q. Okay. If you are in the midst of a
23 timber management planning process but you don't feel
24 that the information that you have in relation to a
25 socio-economic matter is complete, is there any black

1 and white rule as to what you do or what you don't do
2 in that situation?

3 A. Black and white rule. No, there are
4 no black and white rules, but certainly any good
5 manager, you do whatever is necessary to make sure that
6 you have established contact.

7 And if I could draw the Board's attention
8 to page 664 is just one example. On page 664 of the
9 evidence package you will see - and this just happens
10 to be one page taken out of our district mailing list -
11 and you can see that for many of those people, because
12 they are non-residents, we have both a summer address
13 and a winter address.

14 And if, in fact, it happens to be the
15 wintertime and we are carrying out or we want to
16 contact that person, we have gone so far as to record
17 winter addresses, you will see there, even in fact
18 winter phone numbers. And so the simple answer to that
19 is: We will go to whatever length is required in order
20 to make contact with people.

21 That happens to be a tourist industry
22 mailing list, but I can certainly tell the Board that
23 that goes for cottagers. I would reference the Cache
24 Lake situation north of Kenora, both for the Nelson
25 Quarry operation and for the preparation of the current

1 timber management plan, we identified actually on their
2 behalf that there might be a concern there.

3 Q. Concern by whom?

4 A. Well, we were going through the
5 review of consultation and had noticed that the
6 cottagers around Red Squirrel -- or Red Deer Lake - a
7 Freudian slip - the cottagers around Red Squirrel
8 Lake...

9 Q. You did it again.

10 A. The cottagers on this particular
11 water body, and we were a little concerned that that
12 they had not done that.

13 I can certainly tell the Board that in
14 that situation we deferred the decision, we went back
15 to our mailing lists, we found out that a vast majority
16 of them lived in Winnipeg, there was some people living
17 in Alaska, some people in Virginia in the United
18 States.

19 We contacted those people, we deferred
20 the decision, we set up a meeting specifically for them
21 in the district office, we waited until the summertime
22 when they all visited their cottage, we brought all our
23 staff in on the Saturday and we went through that
24 proposal with them and we are continuing to consult and
25 to dialogue with them.

1 But, again, because we had their
2 addresses and their phone numbers and we weren't
3 totally confident that they knew what was going on, so
4 we tracked them down and we made sure we had a meeting
5 with them.

6 Other situations, certainly mining
7 companies, claim stakers, most prospectors are
8 working - in our part of the country - are working for
9 larger mining ventures. We have their main office
10 numbers in Winnipeg, Toronto, Montreal, Vancouver and
11 we certainly contact them when required.

12 Q. Thank you. In relation to the
13 information that the Ministry has normally available,
14 have you discussed the sort of information that the
15 Ministry has sort of on a normal basis.

16 Can you advise whether, in terms of the
17 socio-economic information or environment, is a lack of
18 data a determining factor in the quality of the
19 resource management decisions that are made within
20 timber management planning?

21 A. By and large the answer to that
22 question is no, I don't believe it is a hindrance at
23 all. Having said that, though, I don't believe there
24 is probably anyone in here who, if asked if you could
25 you use more staff and/or more dollars to collect

1 information or data, that you wouldn't say yes, if
2 there is I certainly will take it.

3 But by and large I don't see it as really
4 a major problem. I think there is a misconception
5 often that more data is better data and certainly in
6 terms of the social and economic environment that we
7 are working within and the information that we have
8 got, I really honestly don't believe that going out
9 and spending vast sums of money to collect more of it
10 is going to be the solution, if there is a problem out
11 there.

12 I honestly believe -- operate under no
13 misconception that a lot of interest groups or people
14 that we deal with are fully satisfied with the decision
15 that has been made. And I think a lot of times people
16 mask the fact that they don't like a particular decision
17 with the fact that you didn't collect enough data and
18 information.

19 And I fully accept that people may not
20 like the decision I make or have made in the past and
21 may make in the future, but I don't believe, despite
22 what many may perceive to be the problem, that it was a
23 lack of data or information.

24 Q. And carrying along from that
25 question, in my opening remarks, Mr. Pyzer, you may

1 recall that I indicated that the panel was going to
2 address or make the point that information is not
3 always nor need it be quantitative or what has been
4 referred to as hard data.

5 As my last question just to make sure
6 that I cannot be accused of not leading some evidence
7 in relation to that matter, could you comment?

8 A. Well, I want to make a couple of
9 points, if I could. Again, I come from a district I
10 believe which is fairly typical in terms of northern
11 Ontario. For the Board's information, there are limits
12 on how far you can go to collect data and information.
13 If we want, we can spend the next 100 years collecting
14 it.

15 But I happen to come from a district
16 where we cut and we cut our - you know, the entire
17 district basically is allocated in terms of timber
18 licences, there are no vast areas where we don't have
19 logging operations - we cut about 2,600 hectares a
20 year, 3,000 hectares a year, but we burn on average
21 24,000 hectares. We burn probably ten times a year
22 what we are cutting.

23 Q. When you say we burn, are you talking
24 about natural fire or are you talking about prescribed
25 burn?

1 A. I am talking -- yes, I am obviously
2 talking about natural fire. We talk about fire as
3 though it is a program, it is something that we manage,
4 but in Kenora District, in terms of Crown land that
5 burns, the Crown land that burns through wild fire is
6 about ten times what we are cutting in a year.

7 I guess the only point that I want to
8 make is that if we are out collecting data - and this
9 is the frustration that I have as a district manager.
10 We just went through a Kenora 14 fire this year and
11 that occurred within the Minaki Crown Management Unit.

12 We had gone through public consultation,
13 we had areas that were allocated for wood, we had
14 shoreline reserves for cottaging for aesthetic
15 purposes, we have identified bald eagles' nests, we had
16 identified areas we wanted for moose corridors, for
17 deer corridors, we had identified sensitive areas, we
18 had spent last year on a winter works-type project, a
19 section 34 project I believe it is, and it was a recent
20 cut-over about 10 or 15 years ago, that had just come
21 up in tremendous second growth.

22 We spent a lot of money last winter,
23 staff time and dollars on a attending project for that
24 and we lost it all in Kenora 14 fire.

25 I mean the frustration is that no matter

1 how well you have gone through this planning exercise
2 in the northern forest, at least, and certainly in my
3 district, we are burning -- it burns, we don't burn it
4 intentionally, but that is a fact of life. And all of
5 those shoreline reserves and those bald eagles' nests
6 and those osprey nests, they are not there today, nor
7 is that tremendous second growth that was there.

8 Having said that, the other important
9 point that I want to leave the Board with is that we
10 are not accountants, bean counters we like to call
11 them, or people in our office do.

12 The bottom line, if you will, isn't some
13 simple mathematical formula that when you are dealing
14 with a tourist operator's sunset, someone's bald
15 eagle's nest or a hundred years' of flying into a
16 remote tourist operation or the next five-year cut, it
17 is difficult; you can't quantify those in terms of --
18 given the basic assumptions so that everyone even can
19 agree on those assumptions.

20 And I honestly believe, because it is
21 certainly my personal experience, is that none of our
22 shareholders want us going through some elaborate
23 mathematical model.

24 The most important thing for anybody that
25 I deal with in Kenora District is the fact that they

1 can come into the office, that they sit down as warm
2 human beings across the table from us and have a feel
3 that we understand what they are doing, what their
4 business depends on and that we are going to treat them
5 honestly and humanly, and that there are no winners and
6 losers.

7 We don't look at it as someone is worth a
8 \$1-million and somebody else is worth \$10-million and,
9 therefore, you are ten times more or less important.
10 We don't do business that way.

11 And I believe that that is the strength
12 of the Ministry of Natural Resources. Our strength is
13 that we don't put a bunch of figures and numbers into a
14 computer or a calculator and come out with some magic
15 bottom line.

16 And I guess, if I could go back to one
17 thing that I said earlier - and it kind of summarizes
18 that - is that the resource management decisions that
19 we make tends to make it an art, not a science and
20 unlike a Hydro project - and I keep coming back to that
21 because it is a site-specific program that you can put
22 a lot of people in and in a quick period of time make a
23 decision - we are not like that kind of project. We
24 live there, we socialize with those people, we deal
25 with them on a daily basis.

1 And I honestly - and I say this in all
2 honesty - I would be laughed out of a room if I was
3 talking to a tourist operator - and I saw some of the
4 transcripts with Mr. Kenrick - I would be laughed out
5 of a room if I brought in those glossy MTR
6 socio-economic studies that were carried out in Ontario
7 and started talking about a tourist industry that was
8 worth \$800- or \$900-million a year, or how many people
9 come in from the United States or travel to a
10 particular area. That's not at the local level what
11 people are interested in.

12 It is important, and I am not saying that
13 it is not important, it is great in terms of a feel and
14 an understanding for what goes on in northern Ontario
15 and how important those industries are, but the bottom
16 line and where people count on in terms of dealing with
17 us in timber management planning, is that they can walk
18 in that office, they can tell us what they want us to
19 hear, that they know we are sensitive to those kinds of
20 issues, that all of our program services have someone
21 at the district that represents them in terms of a
22 stakeholder, and that we will go to any length to make
23 the right decision.

24 And we are probably criticized - and I am
25 probably going to get cross-examined and criticized on

1 it as well - but nothing replaces those people at the
2 district level that work night and day, 24 hours a day
3 and are fully committed to making those decisions.

4 I will say this too, and it is probably
5 totally off topic, I just went through performance
6 appraisals with my staff. One of the key things that I
7 had to tell the vast majority of them is I don't want
8 them in the office on a Saturday morning at six
9 o'clock. And we have people -- many, many people in
10 Kenora District that are in there on a Saturday morning
11 at six o'clock in the office.

12 I don't think this is totally off topic,
13 but people understand that, but it is the commitment
14 that most of those people at the district office have
15 toward their job and the stakeholders that they are
16 representing. So win, lose or draw, bad decisions or
17 whatnot, those people are there and they really have a
18 strong commitment for the stakeholders that they
19 represent.

20 Q. Thank you. Those are my questions
21 for Mr. Pyzer.

22
23 MR. FREIDIN: Mr. Chairman, I do have --
24 I wanted to actually do this before Mr. Pyzer's
25 evidence, there are two matters I would like to deal

1 with.

2 Firstly, Ms. Blastorah is going to file
3 some documents which will, I understand, complete most
4 of the filing of those documents which are included in
5 the list of references, and then I want to go back and
6 ask a few questions of various panel members which
7 arose out of last week's examination. I don't think
8 that will take more than half an hour.

9 MS. BLASTORAH: Mr. Chairman, most of the
10 documents that were referred to in the references of
11 the various witnesses have been filed during the course
12 of their examination. There are just, I think, three
13 or four that have not.

14 Mr. Kennedy's reference No. 16, which is
15 the Regeneration Survey Manual for Ontario. That was a
16 document, again, that was made available in the EA
17 reading room, and so we are filing one copy of that as
18 an exhibit and there is still a copy in the EA reading
19 room. It is actually contained in the documents that
20 were provided in response to interrogatories on Panel
21 4. So it is not quite where you would expect it to be,
22 but it is there. So that's the first one.

23 THE CHAIRMAN: Okay. Exhibit 337.

24 MS. BLASTORAH: Perhaps we can just mark
25 them all and I will bring them all up at the end.

1 THE CHAIRMAN: Okay.

2 ---EXHIBIT NO. 337: Regeneration Survey Manual for
3 Ontario (Reference No. 16).

4 MS. BLASTORAH: The next one is Mr.
5 Kennedy's reference No. 18, which is a Ministry
6 publication dated 1982, an Instruction Manual on the
7 Assessment of Regeneration Success by Aerial Survey.
8 And I believe all of the parties did receive a copy of
9 that with their materials, although it was not bound in
10 with the witness statement.

11 What was the exhibit number on that one,
12 Mr. Chairman?

13 THE CHAIRMAN: 338.

14 ---EXHIBIT NO. 338: Instruction Manual on the
15 Assessment of Regeneration Success
16 by Aerial Survey, a Ministry
publication dated 1982 (Reference
No. 18).

17 MS. BLASTORAH: Next, some of Mr. Ward's
18 references. His reference No. 4 which is a Report on
19 Water Quality Management of the Lake Trout Waters of
20 southeastern Ontario, Volume II. The table of contents
21 was reproduced in the witness statement and this, as
22 you can see, somewhat large document was made available
23 in the EA reading room as well.

24 THE CHAIRMAN: 339 for that one.

25 ---EXHIBIT NO. 339: Report on Water Quality

1 Management of the Lake Trout
2 Waters of southeastern Ontario,
3 Volume II (Reference No. 4).

3 MS. BLASTORAH: And next, Mr. Ward's
4 reference No. 5 which was the Kenora District Fisheries
5 Management Plan, 1987 to 2000. Again, this was a copy
6 that was made available to the parties with the witness
7 statement, but was not bound in with that material.

8 THE CHAIRMAN: 340.

9 ---EXHIBIT NO. 340: Kenora District Fisheries
10 Management Plan, 1987 to 2000
(Reference No.5).

11 MS. BLASTORAH: The next one is
12 exhibit -- reference No. 50 of Mr. Pyzer's material and
13 it is titled: Crown Land as a Development Tool,
14 Implementation Strategy.

15 THE CHAIRMAN: Exhibit 341.

16 ---EXHIBIT NO. 341: Document entitled: Crown Land as
17 a Development Tool, Implementation
Strategy (Reference No. 50).

18 MR. BLASTORAH: Again, this was provided
19 to the parties.

20 And lastly, Mr. Chairman, we did file an
21 Exhibit No. 311 which was a memo from Mr. Simkin and
22 that listed a number of guidelines and so on available
23 to people working within the Ministry. A number of
24 those have already been filed during the evidence of
25 Panel 6 by Mr. Castrilli and I believe he intends to

1 use them in his cross-examination of this panel, but we
2 thought perhaps we would just file the rest of the ones
3 referred to on that list.

4 Now, I do only have one copy here today
5 but we have sent it out to have extra copies made for
6 the other parties and I expect to have those available
7 either late this afternoon or tomorrow morning, and I
8 will bring them over to the room here first thing
9 tomorrow morning and whoever wants one can pick one up.

10 MR. CAMPBELL: What was the exhibit
11 number referred to, I am sorry?

12 MS. BLASTORAH: 311. It was the Simkin
13 memo.

14 MR. CAMPBELL: Thank you.

15 MS. BLASTORAH: The first one of these is
16 the Management Guidelines and Recommendations for
17 Osprey in Ontario. And perhaps I will just mark the
18 exhibit numbers right on those, Mr. Chairman.

19 THE CHAIRMAN: Do you want to give
20 separate exhibits to each of these?

21 MS. BLASTORAH: I think that would
22 probably be the best thing.

23 THE CHAIRMAN: All right. Exhibit 342,
24 and you can just number them consecutively as you are
25 calling them out.

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1 Bats in Ontario.

2 MS. BLASTORAH: The next one is Peregrin
3 Falcon Habitat Management Guidelines.

4 THE CHAIRMAN: 346.

5 ---EXHIBIT NO. 346: Peregrin Falcon Habitat
6 Management Guidelines
7

8 MS. BLASTORAH: The next is Golden Eagle
9 Habitat Management Guidelines.

10 THE CHAIRMAN: 347.

11 ---EXHIBIT NO. 347: Golden Eagle Habitat Management
12 Guidelines.

13 MS. BLASTORAH: And, lastly, Habitat
14 Management Guidelines for Bald Eagle.

15 THE CHAIRMAN: 348.

16 ---EXHIBIT NO. 348: Habitat Management Guidelines for
17 Bald Eagle.

18 MS. BLASTORAH: That's all of them, Mr.
19 Chairman.

20 THE CHAIRMAN: Thank you.

21 Mr. McNicol, perhaps while we are
22 waiting, if you could just clarify something briefly if
23 you can and that is: What is the difference between an
24 osprey and an eagle?

25 MR. McNICOL: Mr. Chairman, they are

1 different species. In terms of a physical description
2 of this particular species, they are both very large
3 birds. The osprey and eagle both primarily are fish
4 eaters and they occupy the same types of lakeshore
5 habitats. They depend primarily on warm water
6 fisheries as it is an abundant food source for both
7 these particular species. They nest in similar
8 habitat.

9 Perhaps one of the discriminating
10 features, if you will, about nest sites. Bald eagle
11 tend to nest lower down in the canopy of coniferous
12 species, primarily white pine. White pine is a
13 preferred species for this particular bird to nest in,
14 but their nest sites tend to be more difficult to see
15 than, for instance, the osprey.

16 The osprey tends to nest at the top of
17 dominant trees in the canopy and are more obvious for
18 that reason. They also tend to nest not so much in
19 coniferous trees, unless they happen to have a large
20 coniferous tree with a broken top, but the osprey will
21 nest more often in deciduous species than will the bald
22 eagle.

23 In terms of colouration, the mature bald
24 eagle has a white head, largely brown body, dark brown
25 body and white tail. The immature of that species is

1 basically all brown. It is not until about three
2 years, until it reaches breeding maturity, that the
3 white head and white tail develop.

4 The osprey tends to be more gray in
5 colour, if you will. That's our overall impression
6 when you look at kind of a grayish colouration with
7 brown overtones.

8 Does that suffice?

9 THE CHAIRMAN: Thank you very much.

10 MR. FREIDIN: Q. Mr. Ward, I would like
11 to take you back to your evidence of last week. Could
12 you advise: In your testimony last week did you intend
13 to imply that harvesting to the shoreline of lakes,
14 rivers or streams is never permitted?

15 MR. WARD: A. No, I didn't.

16 Q. When might cutting to the shoreline
17 be permitted?

18 A. Well, I have some flip charts behind
19 me that I would like to go through with the Board to
20 give them an idea, sort of a brief summary of what's
21 outlined in the Fish Habitat Guidelines to give them
22 some idea of where we cut to the shoreline and where we
23 don't.

24 Q. And I understand that this particular
25 topic is going to be dealt with, perhaps in more detail

1 than you are going to, in Panel No. 10?

2 A. That's correct.

3 Q. Okay.

4 A. But I would like to illustrate here
5 how we use inventory information to develop
6 prescriptions along the shorelines.

7 Q. Now, Mr. Ward, I understand that you
8 are going to be referring to a number of flip chart
9 sheets that you have already written on.

10 MR. FREIDIN: Perhaps, Mr. Chairman, we
11 could assign an exhibit number and just number the
12 pages one, through as many as he has, as we go through
13 it.

14 THE CHAIRMAN: All right. Exhibit 349,
15 and we can start off with the first page being 349A.

16 MR. FREIDIN: Okay.

17 THE CHAIRMAN: And work alphabetically.
18 What do we call the overall exhibit?

19 MR. WARD: I guess it is a summary of
20 Fish Habitat Guidelines.

21 THE CHAIRMAN: Thank you.

22 ---EXHIBIT NO. 349: Summary of Fish Habitat
23 Guidelines.

24 MR. WARD: Well, Mr. Chairman, I will
25 just read out some of what I have written here and add

1 some more detail as it goes along.

2 Basically, the first part that I want to
3 go to is just basically the summary that we have in
4 terms of the guidelines, the main guidelines that deal
5 with cutting, and I want to give an example from a cold
6 water lake or stream situation and then from other
7 lakes and streams, basically our warm water and cool
8 water fish communities.

9 All shoreline cutting is governed by the
10 following guidelines:

11 "Cutting is not carried out in areas
12 adjacent to cold water lakes and streams
13 or critical fish habitats..."

14 Which I have previously defined as
15 spawning areas, nursery areas, feeding areas, and
16 migration areas:

17 "...or in areas upstream..."

18 And I have in brackets here currents
19 because I want to talk about currents that may affect
20 the movement of organic debris or sediment affecting
21 critical habitat.

22 "...of such habitat as far as the
23 first permanent water basin or bog or
24 between the lake and nearby roads."

25 Roads are a primary source of sediment

1 and we want to have standing timber to act as a
2 filtering mechanism before it gets into the lake. Note
3 that selection cutting is possible where it can be
4 demonstrated that fish habitat will be protected.

5 And basically, in terms of demonstration
6 for a fisheries biologist in the district, is we are
7 looking at the operator and his past track record in
8 terms of selection cutting and we also look at the
9 sensitivity of the site where it is proposed to do
10 selection cutting, depending on slope, depending on the
11 types of soils that are present, depending on the types
12 of critical habitat that may be threatened by it.

13 So we look at that selection cutting as
14 an option. The other point --

15 MR. FREIDIN: Q. Just stopping you
16 there. That first document, 349A then, do those
17 comments then relate to cold water fisheries?

18 MR. WARD: A. Basically they
19 represent -- some of it refers to cold water, but also
20 in terms of critical habitats it refers to warm water
21 fisheries as well. So it applies to both situations.

22 These are sort of the basic guidelines
23 that give us direction in terms of shoreline cutting.

24 ---EXHIBIT NO. 349A: Basic guidelines for shoreline
25 cutting.

1 MR. WARD: And the other one that is hard
2 to see down here, but I will read it out:

3 "That no more than 50 per cent..."

4 And we are talking a maximum here:

5 "...of a shoreline should be cut and any
6 clear cutting should be in non-contiguous
7 blocks or strips where feasible."

8 This applies to warm water and cool water
9 lakes and streams and this is to handle water quality
10 concerns, as well to put a sort of limit on how much of
11 a shoreline on a smaller lakes or whatever cutting
12 would occur.

13 ---EXHIBIT NO. 349B: Basic guidelines to handle water
14 quality concerns.

15 MR. WARD: If I can go to Exhibit 349C,
16 in terms of an example of cold water lakes and streams,
17 I have reserves marked in red here, a dashed sort of
18 red line. I have two tributary streams coming into
19 this cold water lake and one coming out.

20 And, basically, we have a continuous
21 reserve around the tributaries up to the headwater
22 areas and all around the shoreline of the lake, and the
23 width of this reserve depends on the slope. In other
24 words, the steeper the slope the wider the reserve we
25 have.

1 If the lake drains into another cold
2 water lake, of course, this tributary or the outlook
3 would have a reserve on it. If it drains into a warm
4 water system and we don't have critical habitat
5 downstream, such as a spawning area, we could have some
6 cutting along the shoreline.

7 Again, it would be subjected to a sort of
8 a 50 per cent rule.

9 ---EXHIBIT NO. 349C: Basic guidelines for reserves on
10 tributaries.

11
12 MR. WARD: Going to the next example, it
13 is Exhibit 349D, where we are talking about other lakes
14 and streams, warm water and cool water, and basically
15 the cool water fish communities I am talking about are
16 walleye or yellow pickerel and pike. Warm water are
17 more the bass communities.

18 Now, I have some examples here of some
19 critical habitat and it is sort of simplified to bring
20 out the sort of major critical habitat we have.

21 I have indicated some rapids on the
22 upstream tributary which could be used as a spawning
23 area by walleye that move upstream and that's very
24 typical of a spawning site for walleye in terms of an
25 inflowing stream and they will go upstream to the first

1 set of rapids and use as a spawning area.

2 Again, we would put a reserve around that
3 spawning area upstream to the first basin or bog where
4 sediments can settle out. The idea is if you have a
5 bog or a basin, another smaller lake up here, if you
6 cut above that any organic debris or sediment is to
7 remain in that bog rather than continue down stream and
8 be deposited in the rapid area.

9 The other places we would put reserve
10 would be, for example, if you had a rock/rubble
11 shoreline which we would determine from our shoreline
12 cruise and lake survey cruise. This would be marked
13 and we put the reserve along next to that shoreline,
14 next to the critical fish habitat.

15 Again, depending on currents, if you had
16 water currents coming in, it was flowing and you had an
17 outlet down here, for example, if you allowed cutting
18 on the shoreline here you might impact the spawning
19 area. So that's why these are guidelines. You can't
20 have rigid rules in every situation. We have to have
21 some professional judgment by district staff in terms
22 of how extensive this reserve should be in terms of
23 trying to protect that critical fish habitat.

24 Again, we don't want to get any sediment
25 in there, we don't want any organic debris into those

1 spawning areas.

2 Again the third example here is aquatic
3 vegetation that we flag as critical areas as spawning
4 areas for certain species like pike, also nursery areas
5 for a lot of species and it is also feeding areas for
6 most species.

7 Again, we want to protect that area from
8 any sedimentation. Again, we would have a reserve up
9 to the first setttable basin or bog that would affect
10 that downstream area and, again, put that on the
11 tributary.

12 Now, basically we are looking at a 50 per
13 cent rule too in these types of situations. In this
14 one example where I have only got three sort of --
15 really two critical habitats on the shoreline of a
16 lake, we would need to add more reserves so that you
17 don't have more than 50 per cent of a shoreline cut
18 here.

19 Again, we will try and break that up.
20 But in the real situation, there are other reasons for
21 putting reserves here. To start with, there are
22 probably more critical habitats on the lake than just
23 the two that I have indicated. In addition, wildlife
24 considerations. If you had a commercial boat cache,
25 which Gord Pyzer talked about earlier, and tourism

1 interests on this lake for the aesthetic reasons, they
2 would maybe have a tourism reserve placed as well on
3 this lake because there are tourist interests, they are
4 very interested in selling the wilderness experience
5 and they need to have some standing trees on the
6 shoreline.

7 So that is the kind of thing. I am just
8 talking about fish habitat here, I am not pointing out
9 all the different other areas that we would, you know,
10 be overlaid sort of on top of what we've got here.

11 So basically in summary, for warm water,
12 cool water lakes where is no critical fish habitat next
13 to the shoreline, is where we wouldn't necessarily have
14 a shoreline reserve. Lakes that are less than 10
15 hectares in size, if there are no significant fisheries
16 values, or if they aren't headwater lakes, wouldn't
17 necessarily have a reserve on them.

18 Again, in terms of significant fisheries
19 values, the reason that we put that Appendix 3 in the
20 evidence -- my evidence in terms of the numbers of
21 lakes that we were concerned with in District Fisheries
22 Management Plans, some districts are concerned with
23 lakes down to a tenth of a hectare in size as providing
24 fisheries values. It may be a bait lake, it may be a
25 small lake that has brook trout in it.

1 Also, permanent streams which don't
2 appear on a 1:50,000 topographical map or intermittent
3 streams which don't provide spawning areas or other
4 critical habitats for fish would not have a reserve on
5 them.

6 Most permanent streams that you can't see
7 on a 1:50,000 map are going to be pretty small, I don't
8 know whether we would have an example of that at all.
9 In terms of spawning areas on intermittent streams,
10 that is probably the critical habitat that you would
11 find. If it was intermittent, you probably wouldn't
12 find a nursery area because you would want to have
13 water year round, but basically if there are --
14 intermittent streams do provide some of that critical
15 habitat. Like some of these streams here, for example,
16 could be intermittent. We would still want to protect
17 it even though it only flowed, say, during storm events
18 or in the spring runoff.

19 So that is basically the summary that we
20 have for the Fish Habitat Guidelines and how district
21 staff look at using the inventory information we had
22 for developing prescriptions in timber management
23 plans.

24 MR. FREIDIN: Thank you.

25 I am just wondering whether the rest of

1 the panel is going to come back now. Probably most of
2 these questions, if not all of them, that I have left
3 are actually for you, Mr. McNicol.

4 Q. The first one is that you testified
5 last week that a high number of kills in a given area
6 is an indication of the existence of good habitat.

7 Do you recall giving that evidence?

8 MR. McNICOL: A. I do.

9 Q. I would just like to know whether
10 that particular statement is true in all cases?

11 A. No, it is not, and perhaps if I refer
12 back to my kill map I can help clarify that.

13 Q. Sure.

14 A. I will try to speak loudly enough
15 that you can hear me. Actually, with the colours
16 represented there it probably didn't make much
17 difference upside down or...

18 What I indicated to the Board was that
19 this information is an example of information that is
20 regularly collected. It is a pictorial representation
21 of kill on a mercator grid format.

22 I indicated when I presented the evidence
23 that we look at this information as a means of getting
24 some kind of feel for the number of moose in a
25 particular location, vis-a-vis timber management

1 planning. It is another piece of information that we
2 can use to help fill in the blanks, if you will, in
3 terms of values.

4 I also indicated at that time that the
5 colours represented: red is a high kill area; green,
6 medium; blue, low. If you look at an example of a
7 particular mercator grid block, XD96, that is this
8 block here, you will note that over the last six years
9 it has supported a high kill of moose. This is the
10 type of information that really stands out and we take
11 notice of versus information such as in this particular
12 block, BJ96.

13 You will note that in the last year a
14 high kill was evidenced, the year before a low kill,
15 medium kills, the two years before that a high kill.
16 There is no consistency there. It would be something
17 to help us make some determination of the value of
18 that, but we would only use that to support information
19 that is available through other sources.

20 But when we see something like this,
21 there is no question that this particular area, over
22 the years, has supported good moose harvest, one; and,
23 two, the reason it is a good moose harvest is because
24 there is good moose habitat there.

25 This point in time data, a high kill in

1 one particular year can be a function of a newly cut
2 area closed to hunting at the time it was cut, opened
3 to hunting the year following. Traditionally in those
4 areas you see a high kill coming off for that first
5 year followed by a medium and oftentimes by a low after
6 that. It is not until the lateral vegetation begins to
7 grow up in that cut-over site that you see the kill
8 starting to climb again.

9 So that was just -- in way of
10 explanation, we don't look at each of one of these red
11 dots and automatically assume high moose densities.
12 When we get the continuum of information that indicates
13 high moose densities then, yes, it is a good source of
14 information for other databases.

15 Q. In your evidence, Mr. McNicol, you
16 referred to the Moose Habitat Guidelines, and is the
17 application of those guidelines to be spoken to by
18 later panels.

19 A. They will be, Panel 10, I think
20 specifically.

21 Q. All right. Your curriculum vitae
22 indicates that you were involved in a program run by
23 Environmental and Social Systems Analysts Limited, the
24 abbreviation being ESSA, E-S-S-A.

25 Will the work of that particular group be

1 spoken to by a later group?

2 A. It will.

3 Q. And I understand it will be Panel No.
4 8 and 16?

5 A. Correct.

6 Q. Can you advise whether the work of
7 ESSA has relevance to this panel's evidence which is
8 describing the information available and is speaking
9 generally to the use of that information?

10 A. The ESSA exercise, as it became
11 commonly known with those individuals that were
12 involved with it, was an attempt to learn for certain
13 values that can be impacted by forest management
14 activity, fisheries, tourism and moose, how good, if
15 you will, our information was with regard to the
16 guidelines that had been developed to mitigate some of
17 the potential impacts of forest management activities.

18 The purpose for that was to determine
19 where we had a shortfall, if you will, in information
20 or data and how we could test whether that shortfall,
21 one, was important in terms of the effectiveness of the
22 application of the guidelines, whether it was an
23 important factor or not.

24 But obviously the identification of those
25 areas in which we had, say, a shortfall of information,

1 how to test those and the other factors for which we
2 had good information, how to test them in a way that we
3 would have, if you will, good confidence in the
4 effectiveness of those guidelines in terms of their
5 purpose, which is to mitigate the impact of forest
6 management activity, given those three potential
7 values.

8 So it was a good focus for moose experts,
9 fisheries experts, and tourism people to really look at
10 the guidelines and how they deal with the problem, and
11 how to test, in a rigorous way, the effectiveness of
12 those guidelines.

13 Q. In the absence of that type of
14 analysis, the type of analysis which will be described
15 by the representatives from ESSA, are you able to
16 comment on the effectiveness of the guidelines that you
17 specifically deal with, the Moose Habitat Guidelines?

18 A. The one thing that came out loud and
19 clear in terms of our analysis of the Moose Habitat
20 Management Guidelines was that they were based on very
21 good science and that within the moose sub-group there
22 was a great deal of experience in terms of moose
23 management, and the feeling of the group was that the
24 Moose Habitat Management Guidelines truly did reflect
25 the type of concerns that should be reflected with

1 regard to input into forest management activities.

2 In other words, it was, if you will, a
3 reaffirmation of the effectiveness that we feel are
4 inherent in those guidelines with regard to their
5 purpose, the protection of moose habitat through forest
6 management.

7 Q. Mr. Ward, I understand that you were
8 involved with the ESSA project but in relation to the
9 Fish Habitat Guidelines?

10 MR. WARD: A. That's correct.

11 Q. Are you able to add anything to what
12 Mr. McNicol said, looking at it from the perspective of
13 your involvement, as a representative of the Ministry
14 that deals with fish habitat?

15 A. Well, I think we have the same
16 objective or purpose in terms of developing a
17 monitoring program to evaluate the effectiveness of the
18 fisheries guidelines.

19 The guidelines were developed with, I
20 feel, the best science that was available in the
21 literature and what we could gain from talking to
22 experts and also from the knowledge of the fisheries
23 resources that we have in the Province of Ontario and
24 developed the guidelines along that area -- in those
25 areas.

1 Again, ESSA - we will talk about it in a
2 later panel - how we are going to -- the monitoring
3 program that will be developed to really zero in on the
4 major linkages, I guess, between the effects of timber
5 harvesting and the impacts on the critical fish
6 habitat.

7 Q. Thank you.

8 Mr. McNicol, I asked you in your evidence
9 whether the lack of a wildlife management plan affected
10 your ability to be effective as a member of timber
11 management planning team.

12 You said no. I think in your evidence or
13 your response you referred to targets, and I think you
14 said specifically moose targets which were found in the
15 land using planning documents?

16 MR. McNICOL: A. That's correct.

17 Q. Can you advise: Are there targets in
18 either the strategic land use planning document or the
19 District Land Use Guidelines for wildlife other than
20 moose?

21 A. There are. We have, if I use Thunder
22 Bay District Land Use Guidelines as an example, we have
23 targets for furbearers; namely beaver, for white tailed
24 deer, and also for bear.

25 Q. Okay. You were asked a number of

1 questions about ahypothetical situation where you had a
2 trapper who was out there and there was some planned
3 harvest operations in the vicinity of his trapline, and
4 evidence as to whether the Ministry would modify the
5 harvest activity to accommodate the trapper who didn't
6 want you to affect a specific area that he was
7 operating in.

8 I won't repeat what your answers were,
9 but we dwelt on that particular aspect of it. Could
10 you advise me: Do you have encounter a situation where
11 the trapper wants the timber company or the harvesting
12 to take place in a specific area in order to enhance
13 his trapping operations as opposed to avoiding it?

14 A. I believe I alluded to that scenario
15 in the presentation of the evidence on that point. But
16 oftentimes trappers would be looking for a variety of
17 fur or encouraging a variety of fur on traplines that
18 currently -- on his or her trapline that currently does
19 not offer that variety.

20 Now, this would be, say, basically a
21 mature conifer trapline, that is the basic species that
22 is available and the age-class, so there is not a lot
23 of diversity. There are certainly some species that he
24 is able to trap very effectively on that trapline, but
25 others, because of the nature of the forest, are not

1 available to him. As well, access to his particular
2 line may be very time consumptive and costly for him.

3 So I guess what I am saying is that, in
4 many cases, we have trappers -- if I can give you an
5 example: Under the old TMP process where we did not
6 actively seek out, if you will, with special
7 invitation - as Mr. Pyzer has indicated - particular
8 stakeholders as we do now, a particular trapper came in
9 quite upset at the fact that there had been some
10 cutting on his trapline.

11 He wasn't upset with the fact that cutting
12 was there and access was there, he is upset with the
13 fact that we had left a reserve along a particular
14 river that he was hopeful would be cut to the shoreline
15 to provide the proper habitat for semi-aquatic fur,
16 beaver namely. He did not have a lot of beaver on his
17 line and he wanted to encourage that and he was upset
18 with the fact that we had, from a fisheries concern
19 standpoint, put a reserve on, thereby not eliminating,
20 but certainly minimizing the chance that beaver would
21 become established.

22 So in answer to your question, yes, we go
23 both ways. Some trappers that have good access and
24 have disturbance and have a variety of fur want to
25 ensure that some mature conifer is left so that they

1 can take species such as marten.

2 Conversely, others that have lots of
3 marten but need a variety of fur, can encourage the
4 access and disturbance that timber harvesting practices
5 will bring to the lines.

6 MR. FREIDIN: Thank you. Those are my
7 questions of this panel, Mr. Chairman.

8 THE CHAIRMAN: Thank you, Mr. Freidin.

9 Ladies and gentlemen, I know it is early,
10 but I think we will have to adjourn for today and
11 continue tomorrow.

12 Perhaps tomorrow, in view of when we are
13 finishing today, we will start tomorrow at 9:00 a.m.
14 and try and go as far as we can to ensure that we at
15 least finish the the counsel that are prepared to
16 cross-examine this week, leaving only those who are
17 going to cross-examine next week, which will be Mr.
18 Hunter and Mr. Campbell, and re-examination by Mr.
19 Freidin.

20 In addition, the Board is going to try
21 and give some consideration to mechanisms for which we
22 would like put in place regarding the scoping exercise
23 that we are going to go through in February when we
24 come back.

25 And, before we rise for the site visit,

1 we are going to have a session with you to discuss the
2 way in which we perceive that scoping session to take
3 place so that everyone will have a bit of an idea of at
4 least what we are looking for and perhaps we can get
5 some of your views as well prior to the break, so that
6 when we come back we will be able to conduct it with
7 the least amount of time wasted and certainly with
8 counsel having an idea of what is expected of them.

9 This is in particular reference to the
10 way in which we will try and attempt to identify the
11 issues which are the subject of Panel 8's evidence and
12 going from there. So we will give it some thought in
13 the next two or three days, and some time before we
14 rise before the 21st, we will have a discussion with
15 you.

16 You might also give it some thought as
17 well, so that we can make that discussion productive.

18 Other than that, if there is no other
19 further matters to deal with at this time, we will
20 adjourn until nine o'clock tomorrow morning.

21 Thank you.

22 ---Whereupon the hearing adjourned at 4:19 p.m., to be
23 reconvened on Tuesday, November 8th, 1988,
commencing at 9:00 a.m.

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